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**MONTEREY, CALIFORNIA**

## **THESIS**

**U.S. POLICY TOWARDS CUBA AS A TWO LEVEL GAME  
OR: DEFENDING EXECUTIVE POLICY DISCRETION IN  
THE FACE OF DOMESTIC PRESSURE**

by

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March 2008

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EXECUTIVE POLICY DISCRETION IN THE FACE OF DOMESTIC  
PRESSURE**

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Submitted in partial fulfillment of the  
requirements for the degree of

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**NAVAL POSTGRADUATE SCHOOL  
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## **ABSTRACT**

The literature on U.S. policy towards Cuba during the post Cold War period has focused around the idea that a small domestic group has dominated policy making because of their electoral influence in Florida and have left the executive at their mercy. Critics have often argued that the Cuban American National Foundation (CANF) has been able to capture policy during non-crisis interludes and left poor policy options available to the executive powerless to respond effectively during critical periods and thus poor policies are implemented, not in tune with executive goals.

This thesis aims to disprove the widespread consensus that U.S. policy towards Cuba has been dominated by Cuban-Americans since the end of the Cold War. Instead, the executive has been able to maneuver and adapt policy throughout the changing and complex political environment and seize control of the two level negotiations in order to achieve their own policy goals. Understanding the factors that shape U.S. policy toward Cuba is essential as Cuba approaches another important transition period with the ascendance of Raul Castro to the presidency. If policy makers continue to believe in the myth of CANF dominance, they are less likely to explore creative options for U.S. policy toward Cuba that might risk the ire of the group. Understanding the room for maneuver provided by the multiple interest groups with an interest in Cuba and public opinion is no guarantee of effective policy towards Cuba, but it would seem to be a necessary condition.

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## I. INTRODUCTION

Throughout the duration of the Cold War, Cuba was considered one of the staunchest adversaries of the United States. With the financial and ideological backing of the Soviet Union, Cuba was able to project its influence throughout the third world and maintain a feasible military threat within the Western hemisphere. With the complete collapse of the Soviet Union by the early 1990's, Cuba found itself reeling economically and the Castro regime was struggling to stay afloat, thus ending the era in which Cuba was considered a viable threat and security issue began to quickly recede. As Cuba's importance dwindled away, the general public within the U.S. seemingly forgot about the island, thus leaving the door open to small interest groups to dictate policy towards the island, which has been widely understood as political dominance by Cuban-Americans with the agenda of reclaiming what they had lost to the revolution. This has been attributed to post Cold War policies that have been seen as outdated and a product of the Cuban American National Foundation (CANF), such as the Cuban Democracy Act (CDA) of 1992 or the Helms-Burton Act of 1996.

Critics have argued that the impact of CANF dominance over policy towards Cuba has affected the ability of the U.S. to achieve their goals towards democratizing the island and to respond to interludes of crisis since the end of the Cold War. The idea is that the small Cuban-American community has created such a serious obstacle to policy making during non-crisis periods, that when a crisis does occur, policy options have already been reduced to those derived by the CANF and they are generally not very good options.<sup>1</sup> There is widespread consensus that U.S. policy towards Cuba in the post Cold War era has been driven by Putnam's level 2 (domestic politics) factors and that this has produced "irrational" policies. The declining importance of Level 1 concerns with the end of the Cold War is said to have allowed the Cuban American National Foundation (CANF) to capture the policy process through the influence that Cuban-American voters have in New Jersey and, especially, Florida. Overall, the resulting policy is said to be

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<sup>1</sup> William H. LeoGrande, "From Havana to Miami: U.S. Cuba Policy as a Two Level Game," *Journal of Interamerican Studies and World Affairs*, 40:1 (1998): 83.

irrational since it conforms to CANF preferences and is at odds with the decisions national level policy makers would make after careful consideration of the issues at stake.

This thesis challenges the conventional wisdom, examining policy under three different presidents since the end of the Cold War to show that national level decision makers continue to respond to a multitude of domestic political groups when making policy toward Cuba. Even though the importance of level 1 negotiations has receded in the aftermath of the Cold War and level 2 politics have ascended in importance in regards to foreign policy decisions regarding Cuba, there has been such a shift in policy goals from the executive that it has opened the door for a whole host of interest groups that have countered the CANF. It will show that while domestic politics shaped policy at different points in time, most often the resulting policy corresponded more closely to the preferences of the president and the national interest than the interests of CANF.

The thesis will also examine the extent to which general public opinion and interest groups other than CANF shaped policy towards Cuba. At times the executive had to challenge these groups to implement the policy he thought best; at other times, these groups provided the counterweight to CANF that allowed the president discretion in policy making.

Another argument this thesis will be countering include the idea that the Helms-Burton Act of 1996 has severely limited executive discretion and made negotiations with the Castro government harder and hence negatively affected drug and immigration interdiction programs between the two countries. Evidence will be provided that will show the cooperation between the U.S. and Cuba has reached new highs and mitigated the threat from either problem and communication and joint programs continue to grow. There has also been concern over the strain that U.S. policies towards Cuba have put an unnecessary strain on relationships with international allies due to the punitive restrictions on free trade with the island. Substantiation for this claim is strong since the United Nations (UN), European Union (EU), and Organization of American States (OAS) have supported the normalization of relations with Cuba, but at the same time they have condemned Castro's disregard for human rights and demanded the same changes within the island that have been outlined by the United States. While U.S. international

allies stand by demanding change, but financially supporting Castro, they have done very little in their opposition to U.S. policies or the long term relationship and this paper will provide facts that Cuba policy has had little bearing on the relationships between the U.S. and its allies.

Chapter II reviews the literature on some of the most prominent critics of U.S. policy towards Cuba in the post Cold War era and the dynamics of the two level game involved in policy making. Chapter III shows that while the CANF scored an important victory with the passage of the Cuban Democracy Act in 1992 under President George H.W. Bush, President Clinton was largely able to shape policy toward Cuba from 1992 through 1999 in a manner consistent with his policy preferences and considerations of state, despite the passage of the Helms-Burton Act in 1996. Chapter IV will provide an overview policy under George W. Bush and provide evidence that even though he has been seen as a hardline president sympathetic and loyal to the CANF, he was able to successfully negotiate between several domestic groups and construct a thoughtful policy plan in preparation for the fall of the Castro regime. Finally, chapter V will provide a summary of the findings and provide suggestions for the future of U.S. policy towards Cuba.

In summary, this thesis aims to disprove the widespread consensus that U.S. policy towards Cuba has been dominated by Cuban-Americans since the end of the Cold War. Instead, the executive has been able to maneuver and adapt policy throughout the changing and complex political environment and seize control of the two level negotiations in order to achieve their own policy goals. Understanding the factors that shape U.S. policy toward Cuba is essential as Cuba approaches another important transition period with the ascendance of Raul Castro to the presidency. If policy makers continue to believe in the myth of CANF dominance, they are less likely to explore creative options for U.S. policy toward Cuba that might risk the ire of the group. Understanding the room for maneuver provided by the multiple interest groups with an interest in Cuba and public opinion is no guarantee of effective policy towards Cuba, but it would seem to be a necessary condition.

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## **II. LITERATURE REVIEW**

As the Cold War came to a close, U.S.-Cuban relations began to see a significant shift in the criteria involved in policy making and the actors that influence policy. For nearly twenty years now, scholars have studied and scrutinized each of these variables in an attempt to outline the root causes of why the U.S. has seemingly sustained its Cold War policies despite Cuba's weakened state, and many have concluded that the Cuban American National Foundation (CANF) has been the most influential player forcing the debate. According to those that support the idea that CANF has dominated the policy making process, their ability to shape policy decisions based on their electoral influence along with their veto power has left policy making towards Cuba in disarray. CANF involvement in policy making is certainly one of the most overstated criticisms of post Cold War period. This small and isolated interest group has been credited with devising policy towards Cuba and ensuring its implementation throughout the twenty years since the end of the Cold War. Some have argued that it has had the executive and the general public at its mercy based on most assessments. This chapter examines some of the prominent authors on the subject and their description of how U.S. policy toward Cuba has been shaped and implemented since the end of the Cold War.

This chapter closely examines the factors that the existing literature on Cuba highlights as influencing U.S. policy making. Some of the factors will include the relevance of security issues after the Cold War, the priority of Cuba on the U.S. policy making agenda, and the attention from the general public during crisis versus non-crisis periods. Finally, arguments about the impact of the policy making process on the nature of policy decisions will be addressed.

### **A. ACTORS**

In 1988, Robert Putnam introduced a new idea to international relations and game theory in his, "Diplomacy and Domestic Politics: The Logic of Two-Level Games."<sup>2</sup>

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<sup>2</sup> Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of the Two-Level Game," *International Organization* 42 (1988): 427-460.

Putnam had sought to clarify the logic and complexities of the two level game in terms of international and domestic negotiations by stating that, “in any international bargaining situation, national leaders are involved in two negotiations simultaneously: the international negotiation (level 1), wherein the leader seeks to reach agreement with other international actors; and a domestic negotiation (level 2), in which the national leader must persuade his domestic constituency to accept (‘ratify’) the level 1 agreement.”<sup>3</sup> According to Putnam’s theory, “the political complexities for the players in this two-level game are staggering.”<sup>4</sup> Policymakers who let level 2 politics dictate decision making can easily upset the international game board, but if they let level 1 politics dictate their maneuvering they face potential eviction from the gaming table by their constituents. In the post Cold War era, arguably the most profoundly scrutinized case that characterizes the imbalance between level 1 and 2 politics and that is U.S.-Cuban relations.

During the Cold War, “the executive branch and public opinion ‘were seldom at odds’ in their reaction to the revolution.”<sup>5</sup> This essentially meant that the executive had free reign in developing foreign policy towards Cuba and this was certainly true as the executive dominated policy making during the era and public opinion always coincided with executive decision on a hardline, anti-communist stance except during détente when both sides agreed on a more moderate stance. Even with the rise of CANF in 1981 and the receding security issues during the decline of the Cold War, the increased interest group advocacy still merely reinforced the executive’s position as hardliner Ronald Reagan had assumed the presidency.

In the 1970s, as the U.S. sought to normalize relations with communist countries like China, policymakers also sought to negotiate friendlier terms with the Cubans that would have lifted the embargo and travel ban had it not been for Castro’s ill-advised tactical maneuvers during the negotiations.<sup>6</sup> The brief pursuit of normalizing relations with the Cuban government caused concern within the Cuban-American community that the Castro regime could be legitimized internationally. The Cuban-American response was to form an organization that, “[was] modeled on the American Israel Public Affairs Committee and

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<sup>3</sup> LeoGrande, “From Havana to Miami: U.S. Cuba Policy as a Two Level Game,” 67.

<sup>4</sup> Putnam, 434.

<sup>5</sup> Ibid.

<sup>6</sup> LeoGrande, “From Havana to Miami: U.S. Cuba Policy as a Two Level Game,” 71.

[was] well endowed by wealthy exiles,” and “vehemently opposed any relaxation whatsoever in Washington’s policy of hostility.”<sup>7</sup> Thus, in 1981, “a millionaire’s club of right wing exiles,”<sup>8</sup> formed the Cuban American National Foundation (CANF).

Over the course of the Reagan administration in the 1980s, CANF gained experience and connections in Washington. With the end of the Cold War, the end of security issues and hence greater importance of domestic politics in shaping policy, level 1 issues have significantly deteriorated and the executive has had to adjust to the growing importance of level 2 politics.<sup>9</sup> With over half of the 1.2 million Cuban-Americans condensed into South Florida, many with a sworn hatred for Castro it is easy to understand how the political connections of CANF and their electoral influence in the key states of Florida and New Jersey, along with a lack of interest from the general public have led critics to argue that they have completely captured policy since the end of the Cold War.

As the Cold War came to a close, the executive lost interest in Cuba and, domestic groups like CANF were ramping up their lobby campaigns to keep enforcing tough policy upon Castro. Analysts point to the adoption of the Cuban Democracy Act (CDA) of 1992 and the Helms-Burton Act of 1996 as evidence of the dominance of level 2 actors in policymaking. Each of the two Acts was strategically lobbied during election years and supported a tightening of the embargo and in the case of the latter even implemented the embargo into law – in apparent contradiction of executive preferences on policy. In short, analysts argue that domestic politics have supplanted foreign policy issues as the driving force behind U.S. policy toward Cuba and that CANF has been the primary actor on the domestic scene.

William LeoGrande, the first scholar to apply systematically Putnam’s two level game to U.S.-Cuban relations in the post Cold War period, uses the theory to outline the transition from level 1 factors shaping policy to the predominance of level 2 issues dictating policy through a weakened executive. He attributes the rise of domestic

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<sup>7</sup> LeoGrande, “From Havana to Miami: U.S. Cuba Policy as a Two Level Game,” 74.

<sup>8</sup> Carla Anne Robbins. “Dateline Washington: Cuban-American Clout,” *Foreign Policy* 88 (1992): 163.

<sup>9</sup> LeoGrande, “From Havana to Miami: U.S. Cuba Policy as a Two Level Game,” 68.

influence from the CANF to the fact that during non-crisis periods they are able to use their electoral influence to threaten the executive with eviction from the game if their policy demands are not met.<sup>10</sup> LeoGrande claims the CANF is able to do this because the general public “opts out” of the game unless there is a topic of interest at the fore, for example, immigration or direct hostile action and excludes economic and security concerns. He examines the immigration crisis of 1994 and the Helms-Burton Act of 1996, which, according to LeoGrande, provided “the best evidence that Cuba had become an exclusively domestic issue.”<sup>11</sup>

LeoGrande’s interpretation of the actors shaping policy making towards Cuba can be questioned on a number of grounds. First, he fails to acknowledge the control the executive was able to exercise over policy making during the passage of the Helms-Burton Act. Clinton was able to negotiate a compromise with Congress that kept the act from being the product of “exclusively domestic issues” by inserting a clause that allowed the executive to suspend the most restrictive tracks of the law; he retained executive discretion in the making of foreign policy. In addition, though LeoGrande and most others portray the Act as a codification of the embargo into law that removes the discretion of the executive to tighten or loosen the embargo as necessary for the accomplishment of foreign policy objectives, this is not the case. Subsequent to the passage of the Act, both Presidents Clinton and Bush modified elements of the embargo (e.g., travel restrictions, agricultural trade) in pursuit of their policy objectives.

Also, LeoGrande failed to anticipate the emergence and influence of an increasing number of actors with an interest in U.S. policy towards Cuba. He characterizes the CANF as being, “the only significant, organized groups working on the Cuba issue.”<sup>12</sup> CANF was able to maintain its veto power over other domestic groups was because no other domestic group stood to reap any significant gain and even though, “some U.S. businesses would benefit...few were actively clamoring to get onto the island, and almost

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<sup>10</sup> LeoGrande, “From Havana to Miami: U.S. Cuba Policy as a Two Level Game,” 83.

<sup>11</sup> Ibid., 81.

<sup>12</sup> Ibid., 75.

none were pressing the government to change U.S. policy.”<sup>13</sup> Since the publication of his article in 1998, however, new groups have emerged and have allowed the executive to circumvent CANF’s supposed veto power to act decisively during non-crisis periods.<sup>14</sup> These groups were able to capture the attention of policymakers during non-crisis periods as the security objectives of the Cold War gave way to concerns about human rights and democracy (with their accompanying advocacy groups) along with economic development (and a growing interest in the island from struggling U.S. agriculture).<sup>15</sup>

Other analysts share LeoGrande’s assessment that U.S. policy towards Cuba has become domestically driven since the end of the Cold War, with CANF able to steer policy in the direction they desire. Lars Schoultz proclaims that it would be, “impossible to explain post-Cold War U.S. policy towards Cuba without recognizing that Florida, a swing state, has twenty-five electoral votes, fourth largest in the nation, and a Cuban-American population of over 800,000.”<sup>16</sup> This is a very common perspective from most critics of policy that often ignore the details involved in devising policy since the end of the Cold War. Another prominent author on the subject, Soraya Castro Marino, points out that since Cuba has been such a low political priority for the U.S. that it has, “constrained the debate on U.S.-Cuba policy, and, consequently, those showing very specific interest in the Cuban issue have traditionally monopolized the discussion.”<sup>17</sup> Marino’s criticism of both the Helms-Burton Act and the Immigration crisis certainly revolve around the idea that CANF specifically has been the group that dictated policy during the period. Finally Carla Robbins makes a number of propositions for expediting the end of the Castro regime, but voices her disbelief that the executive could implement any of her progressive ideas, “once the Foundation gets wind of it.”<sup>18</sup> This negative and

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<sup>13</sup> LeoGrande, “From Havana to Miami: U.S. Cuba Policy as a Two Level Game,” 75.

<sup>14</sup> Ibid., 82.

<sup>15</sup> Soraya M. Castro Marino. “U.S.-Cuban Relations During the Clinton Administration,” *Latin American Perspectives* 29:4 (2002): 65.

<sup>16</sup> Lars Schoultz, *Beneath the United States: A History of U.S. Policy Toward Latin America* (Cambridge, MA: Harvard University Press, 1998): 372.

<sup>17</sup> Marino, 72.

<sup>18</sup> Robbins, “Dateline Washington: Cuban-American Clout,” 182.

often narrow application of how domestic politics have functioned in the post Cold War era in dictating policy towards Cuba is wholly inaccurate and will be addressed throughout the thesis.

## **B. FACTORS**

This thesis will also address the factors that affect the importance of the various actors in shaping policy. As already noted, the level of attention paid to Cuba by the actors involved has varied according to the extent to which security issues are at stake and whether or not a crisis has occurred. Many analysts agree that the executive will pay most attention to a country, and act on the basis of realist foreign policy concerns rather than domestic politics, when the security threat is high. Michael Desch adamantly argues that, “[t]he end of the Cold War may see a less rather than more consistent U.S. foreign policy toward the region,” and that, “states act more rationally...in a challenging threat environment”<sup>19</sup> -- in other words when the security environment garners a higher level of attention from policymakers. In keeping with this, LeoGrande notes the declining attention of the executive and describes “how insignificant Cuba has become as a foreign policy (as distinct from a domestic) issue” during the post Cold War period.<sup>20</sup> In contrast, Jorge Dominguez argues that the level of attention the United States executive has paid to Latin America has remained fairly constant during and after the Cold War; in both periods, the desire for territorial influence, exclusion of rivals from the region, ideology, and protection of economic interests drove policy.<sup>21</sup> This thesis will examine the extent to which and why the executive has paid attention to Cuba during the post Cold War period. For example, the immigration crisis in 1994 led President Clinton to devote increased attention to the issue of democratic transition in Cuba, even after immigration

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<sup>19</sup> Michael C. Desch, “Why Latin America May Miss the Cold War: The United States and the Future of Inter-American Security Relations,” in *International Security & Democracy: Latin America and the Caribbean in the Post-Cold War Era*, ed. Jorge I. Dominguez (Pittsburgh, PA: Pittsburgh University Press, 1998), 246-247.

<sup>20</sup> William H. LeoGrande, “Enemies Evermore: U.S. Policy Toward Cuba After Helms-Burton,” *Journal of Latin American Studies*, 29:1 (1997): 215.

<sup>21</sup> Jorge I. Dominguez “U.S.-Latin American Relations During the Cold War and It’s Aftermath,” *Working Paper Series* 99-01 (1999): 6.

matters were resolved. In 2003, Castro's arrest and jailing of dissidents occasioned increased attention and activity from the Bush White House.

For the most part, the general public pays little attention to Cuba. The notable exception, as LeoGrande emphasizes, is during crisis periods when the general public not only pays attention to Cuba but is able to undermine CANF veto power, as was the case during the immigration crisis of 1994. What he fails to note is that crises and general public attention can also reinforce CANF policy preferences, as was the case with the passage of the Helms-Burton Act in the wake of the shootdown of the Brothers to the Rescue planes in 1996.

### **C. RATIONALITY**

With the end of the Cold War and Cuba's demonstrated ability to withstand the U.S. embargo for more than four decades, the effectiveness of continuing with hardline policies has been widely questioned. As the Cuban military threat dwindled away and U.S. goals toward the island shifted during the 1990s critics began to seriously question how appropriate the policies under Bush and Clinton were in relation to the goals that were being formulated.

While LeoGrande never openly calls policy irrational in its face, he certainly does suggest it in his closing:

In short, the preponderant power of the Cuban American lobby in the level 2 game during noncrisis periods is a serious obstacle to formulating level 1 policy positions that might avert new crises. Once a crisis arrives, mobilizing the broader public into the domestic debate, the veto power of the Cuban American lobby disappears. But by that time, as is so often the case in moments of crisis, none of the available policy options are particularly good ones.<sup>22</sup>

This assessment suggests policy has been heavily influenced by the CANF throughout the post Cold War period as the executive is completely vulnerable to their electoral influence only during times of crisis has the executive been able to escape their veto power. While it is agreed that periods of crisis are not the best time for policy making,

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<sup>22</sup> LeoGrande, "From Havana to Miami: U.S. Cuba Policy as a Two Level Game," 83.

especially in the case of Cuba, this thesis will prove that CANF veto power can and has been avoided during non-crisis periods as well and the executive is best able to make policy during these periods.

The Helms-Burton Act is perhaps the most heavily criticized development in recent U.S. policy towards Cuba because it is said to have essentially left the executive without the freedom to loosen or tighten the embargo as conditions warrant.<sup>23</sup> This reduction in executive discretion is said to impair the president's ability to deal with priority issues like immigration or drugs in the Caribbean or other bilateral issues that might arise.<sup>24</sup> However, since Helms-Burton, U.S. government agencies have been able to continue to work effectively with their Cuban counterparts to consolidate the gains accomplished by two immigration accords in 1994 and 1995<sup>25</sup>, and to help reduce drug trafficking through Cuba to only nine percent of all traffic in the Caribbean.<sup>26</sup>

In addition, the executive has had the discretion to mitigate the impact of the Helms-Burton Act on relationships with European allies. The Act consists of four tracks and of the four only two have been implemented, while the two strictest Tracks (III and IV) are regularly suspended or minimally enforced in order to balance level 1 negotiation. Since 1998 the executive has agreed to suspend Tracks III and IV and if anything the EU has undermined U.S. strategic and economic plans for the island in the post Castro era by globalizing the island in a way that has created unequal growth and extremely high levels of poverty and created a racial divide that could cause more serious security concerns.<sup>27</sup>

In sum, this thesis will examine the main policy decisions made during the Clinton and Bush administrations to determine if the decision is so shaped by domestic politics (and particularly CANF preferences) that it cannot be characterized as a reasonable response by the executive to the foreign policy issues at stake. Among others,

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<sup>23</sup> LeoGrande, "From Havana to Miami: U.S. Cuba Policy as a Two Level Game," 68.

<sup>24</sup> LeoGrande, "Enemies Evermore: U.S. Policy Toward Cuba After Helms-Burton," 211.

<sup>25</sup> Marino, 53.

<sup>26</sup> Jorge I. Domínguez, "Cuba and the Pax Americana: U.S.-Cuban Relations Post 1990," in *Between Compliance and Conflict: East Asia, Latin America, and the "New" Pax Americana*, ed. Jorge I. Domínguez and Byung-Kook Kim (NY: Routledge Press, 2005): 207.

<sup>27</sup> Edward Gonzalez and Kevin F. McCarthy, *Cuba After Castro: Legacies, Challenges, and Impediments* (Santa Monica, CA: RAND Corporation, 2004), 107-108.



the following policy decisions are assessed: the 1992 Cuban Democracy Act; the 1995 Immigration Accords; the opening of agricultural trade with Cuba under both Clinton and Bush respectively; the maintenance of Cuba on the state sponsors of terrorism list; and the loosening and tightening of restrictions on travel and remittances under Clinton and Bush, respectively. The thesis shows that post-Cold War policy towards Cuba, for the most part, supports the objectives that were set forth during the Clinton administration and the subsequent Bush administration and that there is more variation in the implementation of policy than one might think given general depictions of policy “frozen” by the Helms-Burton Act.

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### **III. U.S. POLICY TOWARDS CUBA FROM 1989-2000**

#### **A. INTRODUCTION**

For the better part of thirty years, U.S. policy toward Cuba was dominated by level 1 politics that revolved around the Cuban threat of a global foreign policy exporting revolution. It is most commonly agreed upon that during this period of time U.S. policy decisions towards Cuba were the appropriate actions taken based upon the actions of the Cuban government and the executive was given full discretion over policy.<sup>28</sup> As the Cold War drew to a close, there was both optimism and apprehension about how policy towards Cuba would be handled as Cuba grew more and more vulnerable in the shrinking world of communism. With the end of the Cold War, security concerns receded and it was unclear what factors would dominate policy making; this uncertainty created optimism for those who hoped for change and apprehension for those that feared it.

Most conventional wisdom in regards to U.S. policy towards Cuba in the post Cold War period contends that policy has been driven by domestic groups, namely CANF, which, “has turned this issue into a domestic one by a putative link with the vote in the key states of Florida and New Jersey.”<sup>29</sup> Two heavily scrutinized policies in the post-Cold War period were the Cuban Democracy Act (CDA) of 1992 and the Helms-Burton Act of 1996, which were both seen as a direct response to the demands of the CANF that endanger U.S. objectives of promoting democratization in Cuba.

This chapter challenges this view. The chapter will first describe U.S. policy towards Cuba under the George H.W. Bush administration from 1989 through 1992. Throughout his time in office, Bush largely resisted pressures to intensify actions against Cuba and put the issue as far away as possible, using rhetoric to appease the CANF, but finally gave in to demands for a change in policy during the 1992 presidential elections by expressing his support for the CDA despite his long-standing reservations about the Act. While Bush’s decision to support the Act was driven solely by domestic politics,

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<sup>28</sup> Dominguez. “U.S.-Latin American Relations During the Cold War and It’s Aftermath,” 5.

<sup>29</sup> Marino, 47.

Clinton's advocacy of the Act during his campaign was driven as much by policy agreement as by electoral politics. Once in office, Clinton's stance on policy toward Cuba hewed closely to the basic ideas expressed in the CDA. The second part of the chapter examines the years of 1992 through 2000 under the William Clinton administration and follows some of the most controversial policies regarding Cuba since the Platt Amendment. This section will outline Clinton's approach to handling the two level game while during both crisis and non-crisis periods. While Clinton was forced to make concessions during critical moments, he used skilled negotiation and an understanding of the 2 level "win-set" to ensure he would not compromise the goals he outlined for Cuba. In particular, he maintained executive discretion in policymaking after the Helms-Burton Act of 1996, regularly suspending Tracks III and IV and loosening travel restrictions in response to positive human rights developments in Cuba.

## **B. SHIFTING POLICY UNDER G. H. W. BUSH (1989-1992)**

Cuba was indeed a very real and unique adversary throughout the Cold War for the United States. Cuba deployed hundreds of thousands of troops into Africa and throughout Latin America over the span of three decades, unlike the Asian communist regimes, and enjoyed the financial, military, and ideological backing of the Soviet Union and eventually became the Soviet's most productive and reliable ally throughout the Cold War.<sup>30</sup> The Cuban government had grown accustomed to the economic aid provided the Soviets (around 25 percent of all Soviet foreign aid, totaling approximately 21 billion dollars a year), and were hit with an incredible shock both economically and in terms of their own foreign policy objectives when those subsidies were stopped after the Soviet collapse in 1991.<sup>31</sup> Almost 75 percent of Cuba's trade was with the Soviet Union and around 90 percent was with the socialist bloc as a whole; between 1989 and 1992 total imports to the island fell by 75 percent, shrinking the economy by about 35 to 50 percent

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<sup>30</sup> Piero Gleijeses, *Conflicting Missions: Havana, Washington, and Africa, 1959-1976* (Chapel Hill, NC: North Carolina University Press, 2002).

<sup>31</sup> Patrick J. Haney and Walt Vanderbush, *The Cuban Embargo: The Domestic Politics of an American Foreign Policy* (Pittsburgh, PA: University of Pittsburgh Press, 2005), 79.

by 1993.<sup>32</sup> Cuba would subsequently start bringing troops home from abroad beginning with Ethiopia in September 1989, followed by Nicaragua and Angola. By 1992, all its troops and advisors had been repatriated to Cuba.<sup>33</sup> The Cubans also lost off-budget free weapons transfers from the Soviet Union and by 1992 the final Russian ground troops were withdrawn from Cuban soil. With the economic and military retractions taking place at a rapid pace, the Cubans were left more vulnerable than ever.

With Cuba against the ropes, “[t]he prevailing sentiment was that Castro could not possibly survive these new developments, so his departure was only a matter of time.”<sup>34</sup> Even though containment had been the stated objective of U.S. policy towards Cuba throughout the Cold War, this seemed hardly necessary in the early 1990s. Bush chose to “shift the goalposts” of foreign policy towards Cuba in what he deemed would be a momentary pause before the collapse of Castro’s Cuba.<sup>35</sup> With Cuba not seen as an immediate security threat, the Bush administration chose to focus on the promotion of democracy, a policy goal that had been placed on the backburner for much of the Cold War because of “the realist argument that security and balance of power were preeminent concerns.”<sup>36</sup>

Throughout the Cold War the executive was able to act independently in regards to formulating policy towards Cuba with little interference because both Congress and the general public supported the embargo. However, with the fall of the Soviet Union and the expectation of Cuba’s imminent collapse, Castro’s opponents in the United States wanted the United States to tighten the embargo to ensure his demise. President Bush, in contrast, was resolved to maintain the status quo in terms of U.S. policy towards Cuba and paid little attention to the island in general.<sup>37</sup> For the first time, the divergence of preferences between the executive and domestic interest groups created a situation where

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<sup>32</sup> LeoGrande. “From Havana to Miami: U.S. Cuba Policy as a Two Level Game,” 73.

<sup>33</sup> Dominguez, “Cuba and the Pax Americana: U.S.-Cuban Relations Post 1990,” 196

<sup>34</sup> Haney and Vanderbush, 79.

<sup>35</sup> LeoGrande, “From Havana to Miami: U.S. Cuba Policy as a Two Level Game,” 73.

<sup>36</sup> Ibid.

<sup>37</sup> Haney and Vanderbush, 83.

the president would be forced to compromise a “win-set,” or find an intersect in negotiations between international and domestic groups in order to succeed.<sup>38</sup>

In 1989, and for three consecutive years afterwards, the Mack Amendment – sponsored by Connie Mack, representative from Florida -- was proposed to tighten the embargo in order to prohibit foreign subsidiaries of U.S. firms from doing business with Cuba. The Bush administration opposed the proposed bill each year by insisting they would continue to permit subsidiary trade because attempting to apply the embargo to third countries would result in unproductive and bitter trade disputes with U.S. allies.<sup>39</sup> These were the first signs of the loss of executive control over the Cuba policy agenda and marked the rise in aggression by Congress on the economic issue. Bush could ignore U.S. policy toward Cuba for a time, but the shifting landscape of policy from level 1 focus to level 2 meant that he would have to confront it eventually. In 1992, the Cuban Democracy Act (CDA) was introduced and Bush approached the confrontation that he had feared.

The act is also known as the Torricelli Act and was designed both to strengthen the economic blockade against Cuba and to increase pro-democracy forces within the country.<sup>40</sup> The act ultimately “tightened the blockade to the point of prohibiting American subsidiaries in third countries from trading with Cuba”<sup>41</sup> and also “sought to fortify emerging elements of the new private sector [in Cuba] by authorizing aid to groups that were, or could become, anti-Castro.”<sup>42</sup> It was also designed to liberalize travel and increase communication by family members in order to establish contacts with Cubans that would serve to increase the demand for democracy on the island. The act was initiated by New Jersey Democrat Robert Torricelli who had very few Cuban-Americans in his district and gained very little in campaign funding from the proposed Act. Instead, the Act was considered part of a “Democratic Party campaign strategy” to

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<sup>38</sup> Haney and Vanderbush, 67.

<sup>39</sup> Haney and Vanderbush, 80.

<sup>40</sup> Donald W. Bray and Marjorie Woodford Bray, “Introduction: The Cuban Revolution and World Change,” *Latin American Perspectives* 29:3 (2002): 3-17.

<sup>41</sup> Marino, 48.

<sup>42</sup> Thomas C. Wright, *Latin America in the Era of the Cuban Revolution* (Westport, CT: Praeger Publishers, 2001), 194.

put President Bush in a difficult position (given his past opposition to tightening the embargo) and curry support for presidential candidate Bill Clinton among Cuban Americans in the key state of Florida.<sup>43</sup> Clinton's vehement support for the CDA during his campaign led Bush to support its passage despite warnings from both Canada and the European community about reprisals over the Act.<sup>44</sup> These threats eventually led to the first condemnation of the embargo by the United Nations General Assembly, but did little else.<sup>45</sup>

Bush began working with Congress immediately after Clinton announced his support for the Act despite the fact that "he had previously argued [it] was unnecessary, if not harmful, to U.S. interests, and constitutionally problematic."<sup>46</sup> Clearly, Bush's support for the act was driven by domestic politics: Bush refused to be upstaged by Clinton on the domestic front and found the level 2 gains would far exceed the level 1 consequences so close to an election.<sup>47</sup> A few weeks before the election the CDA was passed and Bush gained an easy electoral victory in Florida, but Clinton had prevailed in the national election and had a policy in place for dealing with Cuba that would define his policy stance: get hard with the regime, but support the Cuban people.<sup>48</sup> After years of executive dominance in policy making the 1992 Presidential election brought about a more significant policy statement than had been seen in decades because of the increasing involvement of level 2 actors.

### C. CLINTON'S "LOW PROFILE" POLICY

In 1992, four schools of thought began to take shape around which direction policy toward Cuba should go. The first was to maintain the status quo and adjust existing policy on a case-by-case basis, but ultimately focused on prolonging Cuba's

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<sup>43</sup> Jorge I. Domínguez. "U.S. Policy toward Cuba in the 1980s and 1990s." *Annals of the American Academy of Political and Social Science: Trends in U.S.-Caribbean Relations* 533 (May 1994): 175.

<sup>44</sup> Haney and Vanderbush, 88.

<sup>45</sup> Jorge I. Domínguez, "U.S. Policy toward Cuba in the 1980s and 1990s," 173.

<sup>46</sup> Haney and Vanderbush, 89.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

political, diplomatic, and economic isolation. Members of the executive branch were the strongest advocates of this policy approach. The second school of thought was the idea of increasing hostility towards the island and dismantling the Castro regime by whatever means necessary, including military intervention, as a consequence for challenging the United States. Cuban-American members of Congress and the CANF were the most outspoken supporters on this approach. The third school of thought – constructive engagement -- was advocated by some of the powerful think tank organizations, like Inter-American Dialogue, the Center for Strategic and International Studies, and the Institute for Strategic Studies of the U.S. Army War College. This option entailed a partial modification of the embargo and possibly expanding the framework of government-to-government communication in hope of an eventual progression towards a democratic Cuba. Finally, academics and liberals within Congress suggested a normalization of relations between the U.S. and Cuba. This would include a total lifting of what was deemed an ineffective embargo and exposing Cuba to democracy and free-market economies to expedite change.<sup>49</sup> According to Marino, CANF was able to push their position of increased hostility most vociferously and they potentially had the most political clout. Despite this, President Clinton's choice to maintain the status quo in 1993 with his low-profile policy proved that the executive still held the power of policy making over Congress and the CANF.

President Clinton began his tenure in office with a resounding statement consistent with the Cuban Democracy Act of 1992, "that there would be no policy change with regard to Cuba until the precepts of democracy were in place, including respect for human rights and free elections."<sup>50</sup> The best summary of Clinton's low-profile policy, as it came to be known, is provided by Soraya Castro Marino:

By the end of 1993, the goals of the low-profile policy with regard to Cuba may be described as follows: to achieve a peaceful transition to U.S.-defined democracy in Cuba as early as possible; to mitigate the suffering of the Cuban people during the transition through donations of food to NGOs and individuals and possibly the export or sale of medicines, even to the Cuban government, under the conditions mentioned

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<sup>49</sup> Marino, 50.

<sup>50</sup> Ibid., 49



above; to maintain the diplomatic, political, and economic isolation of the Cuban regime as well as the blockade as a way of pressuring for democratic reforms and respect for political human rights; to continue Radio Marti and TV Marti broadcasts with the official purpose of promoting the flow of U.S. ideas to the Cuban

people; to inform the international community of alleged human rights abuses in Cuba; to improve conditions to ensure that the people of Cuba and the United States might communicate freely; to keep in force the ban on tourist or business travel to Cuba and allow travel only on humanitarian, educational, or religious grounds; and to increase the exchange of informational material and promote academic and sports exchange, as set forth in Track 2 of the Cuban Democracy Act.<sup>51</sup>

Clinton's policy hewed closely to that advocated by independent think tank studies published in 1992 and 1993. Although there were some slight disagreements in the studies, Soraya Castro Marino presents their consensus results which are worth listing in detail to outline how Clinton approached policy decisions and that they were not simply a product of CANF pressure:

1. U.S. policy goals with regard to Cuba should not change because they were meant to force Cuba into a post-Castro society through a change in its political and economic system. To this end, the embargo, as an instrument of economic pressure, had to be maintained for its political effectiveness. The elimination of some embargo measures was not ruled out as long as it proved instrumental to exerting a more active influence on changes taking place on the island.
2. The Cuban issue had to be internationalized through multilateral diplomacy, including the United Nations and its agencies, the Organization of American States (OAS), the European Parliament, and the Latin American Parliament.
3. In line with U.S. interests, the free flow of information to Cuba should be increased and a bridge-building policy implemented, as this would make it easier to develop a civil society adjusted to democratic standards.

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<sup>51</sup> Marino, 50.

4. The United States should not promote a violent transition scenario in which it would have to abandon its foreign-policy priorities. It should not compromise its future political objectives in a post-Castro Cuba by an intervention that would fuel anti-United States sentiment.

5. The United States should recognize that no matter how serious the economic crisis turned out to be, the Cuban government had some room to maneuver.<sup>52</sup>

By the time these studies had been published in 1993, the Clinton administration had already begun its implementation of each of these five points. Clinton chose to intensify the embargo measures to put the pressure directly on the Castro government while ramping up aid to NGOs to provide humanitarian aid for the people of Cuba and also to jump start dissident groups on the island. As early as 1990, under the Bush administration, the U.S. had begun to seek out international support within the UN to condemn the Cuban government for their human rights violations and still maintained support from the OAS, although both groups would become increasingly disenchanted with U.S. policy by the latter part of the decade.<sup>53</sup> The U.S. also continually sought ways in which to improve the flow of information that was restricted by the Castro regime since 1984 when the U.S. implemented the broadcasting of Radio Marti and later TV Marti in 1989. In fact, the U.S. effort to overcome Cuban jamming and to provide the Cuban people with a free flow of information cost the U.S. \$530 million from FY1984 through FY2006.<sup>54</sup> The violent overthrow of the Cuban government was not on the Clinton administration's agenda, although the 1996 shoot down of two Brothers in Arms aircraft, which will be discussed later, raised the possibility of a violent response. Overall, the first two years of the Clinton Administration effectively showed that the U.S. was poised to pressure a severely weakened Cuban government by adhering to the CDA, which Clinton had pushed for as a presidential candidate.

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<sup>52</sup> Marino, 51.

<sup>53</sup> Domínguez, "U.S. Policy toward Cuba in the 1980s and 1990s," 171.

<sup>54</sup> Mark P. Sullivan. *Cuba: Issues for the 110<sup>th</sup> Congress*. CRS Report for Congress, 22 January 2007, Order Code RL33819, 27.

#### **D. THE MIGRATION ACCORDS OF 1994-95**

The years 1993 and 1994 were considered to be the most difficult years, both politically and economically, for Cuba following the collapse of their largest trading partner and the U.S. began to see the rising threat of another massive immigration movement comparable to the 1980 exodus. Castro openly stated that he would support another boatlift like that of 1980 as an attempt to influence international and U.S. domestic groups to have a sympathetic view of the Cuban situation and this immediately forced the U.S. to react. The number of rafters picked up by the U.S. Coast Guard beginning in 1990 swelled each year, from 467 to 3656 in 1993 and showed no sign of slowing down as Castro refused to interfere.<sup>55</sup> This came on the heels of the Haitian migration crisis in which there was an international outcry of a double standard in migration policy because Haitians were immediately deported. Immigration was developing into a huge issue domestically at this point in the U.S. and refugees from Haiti and Cuba had put a tremendous strain on Florida's social services and thus created a mortal political threat to Democratic Governor Lawton Chiles as he approached a reelection campaign. President Clinton had suffered from similar problems during the 1980 boatlift when Cuban refugees in a camp in Arkansas rioted and cost him reelection as Governor, so he understood the need for resolution and the impact that immigration issues could have on a campaign.<sup>56</sup>

Clinton chose to hold rafters picked up at sea at the base at Guantanamo Bay because detention had been effective in ending the Haitian surge in 1991 and then sought to resolve the issue directly with the Cuban government. CANF quickly and fervently opposed any change to immigration policy (which allowed Cubans found at sea to become citizens) and pressured the executive to concede to some of their demands -- such as a ban on cash remittances to Cuba, which accounted for \$150-500 million annually to the Cuban economy at the time. Notably, Clinton defied CANF on immigration policy,

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<sup>55</sup> LeoGrande, "From Havana to Miami: U.S. Cuba Policy as a Two Level Game," 76.

<sup>56</sup> Haney and Vanderbush, 96.

but agreed to the ban on remittances in order to obtain domestic support from the Cuban-American community for his decision to detain the rafters in Guantanamo and Panama.<sup>57</sup>

Negotiations then took place between the two governments and Cuba subsequently agreed to begin patrolling in tandem with the U.S. Coast Guard to prevent migration, which nearly halted by mid-September 1994. In return, the U.S. increased the number of Cubans who could apply for legal migration to 20,000 in order to avoid another potential migration crisis.<sup>58</sup> Once the crisis had passed the Cuban-American community began exerting pressure on Clinton to allow the 8600 refugees held in Guantanamo and Panama into the U.S. despite their initial agreement not to pursue the claim based on the concessions Clinton agreed to before the 1994 accords took place. Clinton did not initially agree out of fear of triggering another rush of immigrants, but he began to reconsider his position as the cost of maintaining the camps soared into the million dollar a day mark and frequent riots at the camps and domestic pressure called for swift action.<sup>59</sup>

To address this issue, Clinton held secret negotiations with the Cuban government. In May 1995, a new agreement was signed that stated that in the future, all Cubans caught at sea would be returned, but those in detention because of the 1994 crisis would be admitted to the U.S. With this, the 1966 Cuban Adjustment Act, which permitted Cuban migrants automatic political refugee status, was null and void and the new “wet foot/dry foot” policy came into being.<sup>60</sup>

Clinton’s decision to hold negotiations secretly was important in helping him resist pressure from domestic actors and to achieve a rational win-set at both the domestic and international level. He made no concessions on bilateral issues and maximized the outcome of the level 1 game by not compromising his overall policy objectives and still resolving the refugee crisis and, meanwhile, he controlled the domestic political costs.<sup>61</sup> The executive discretion exercised during this dilemma was crucial in achieving the

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<sup>57</sup> Haney and Vanderbush, 96.

<sup>58</sup> Sullivan, *Cuba: issues for the 110<sup>th</sup> Congress*, 29.

<sup>59</sup> LeoGrande, “From Havana to Miami: U.S. Cuba Policy as a Two Level Game,” 78.

<sup>60</sup> Haney and Vanderbush, 97.

<sup>61</sup> LeoGrande, “From Havana to Miami: U.S. Cuba Policy as a Two Level Game,” 79.

optimum win-set as defined by Robert Putnam. In addition, the immigration crisis prompted both the president and an increasing number of groups in society and the executive branch to pay more attention to Cuba.

#### **E. TRENDS IN LIBERALIZATION OF POLICY TOWARDS CUBA, 1994-1995**

After the secret meetings on migration accords it was revealed that the State Department's Cuban Affairs Office staff had been completely excluded from the process. This bypassing of the normal procedures led to the resignation of both the director and deputy director. The immigration crisis also led President Clinton to create a White House-level post of special advisor to the president and the Secretary of State on Cuban Affairs. The creation of this new position gave the president a more closely linked source for information and reflected Clinton's frustration with the ineffectiveness of the economic sanctions alone to crush the Cuban government.<sup>62</sup> In response, the Clinton administration began putting more emphasis on the building of human bridges in order to garner a more proactive anti-Castro audience that would buy into the U.S. objective of letting Cubans decide their fate. This addition to U.S. policy would require the elevation of importance and closer relations with the NGOs operating in Cuba.

In October 1995, the Clinton Administration issued an executive order implementing Track II of the CDA that would accompany the economic sanctions with a higher level of direct support for the Cuban opposition, "including the greatest possible amount of nongovernmental contact, such as long-distance telephone communications, stronger relations with emerging nongovernmental organizations in Cuba, approaches through academic circles in different fields of science and the military, and certain humanitarian donations under the provisions of the Cuban Democracy Act."<sup>63</sup> Track II had previously not been implemented, "because of the predicted end of the Cuban Revolution," but it became clear to the administration that a change was needed as Castro adjusted his economy and was able to diversify and survive.<sup>64</sup> Clinton's decision to

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<sup>62</sup> Marino, 53.

<sup>63</sup> Ibid., 53, 55.

<sup>64</sup> Marino, 53.

implement Track II of the CDA was controversial amongst CANF officials even though it was part of the CDA they had promoted because it potentially challenged their status as leader of the opposition to Castro. Their status as representative of the Cuban community before the U.S. government was already in serious question as a result of their lack of influence over the immigration accords and now the prospect that new leadership in Cuba could come from the island as opposed to Miami left the CANF seriously concerned about the implementation of Track II.<sup>65</sup>

The success of the 1994-95 Migration Accords and the implementation of Track II of the CDA proved that domestic politics, namely pressure from Cuban-American lobbies, could be overcome in order to implement policies the executive thought would best accomplish U.S. policy goals. These developments were certainly not interpreted this way by CANF, which saw both these policy adjustments as evidence that their influence was waning since the group was not notified of the agreements between the U.S. and Cuba, nor were they aware of any secret negotiations that led to the agreement.<sup>66</sup> The decisions also showed that when the executive had motive to devote high-level attention to Cuba – either because of a threat of migration or a concern that existing policy was not working -- small interest groups did not dictate policy. However, presidential attention levels dropped again in the latter part of 1995, a pre-election year when the Clinton administration turned its attention to domestic politics and foreign policy issues, especially Cuba, became secondary.

As the president receded in importance, four other actors came to the fore to influence U.S. policy towards Cuba during 1995: the Cuban American lobbies, American news media, U.S. businessmen, and the Department of Defense. The CANF maintained its pursuit of punitive policies against Cuba and sought to, “force, by any means possible, its involvement in U.S.-Cuban developments,” to reinforce their dominance in domestic influence.<sup>67</sup> The media took a new interest in the Cuban issue after the migration accords and began to question the academic think tanks that had called for the increased pressure

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<sup>65</sup> Marino, 55.

<sup>66</sup> Haney and Vanderbush, 98.

<sup>67</sup> Marino, 56.

on the Cuban government since their recommended policies had yielded little results. This sharp and brief rise in the level of attention given to Cuba by the American media gave some momentum to the small groups throughout the U.S. that believed the sanctions should be lifted altogether.<sup>68</sup>

In addition, there was an increasing level of attention domestically, primarily centered on economics, throughout 1995 and carried into early 1996 which created pressure on policymakers to modify terms of the CDA. In 1996, the U.S. business sector and think tank representatives from both the liberal and conservative factions ramped up their efforts to normalize economic relations with Cuba. U.S. businessmen were perhaps the most influential actors during the year and caused a great deal of concern amongst the advocates of sustaining the sanctions against Cuba. During 1994 and 1995, “250 executives and representatives of 174 U.S. companies, under license from the U.S. Treasury Department, had traveled to Cuba to explore business opportunities in the event of a lifting of the embargo.”<sup>69</sup> The trip certainly marked the point at which the U.S. business sector would become a major pressure group on the domestic side as a counter to the CANF as potentially billions of dollars were at stake in the event of some kind of normalization of relations with Cuba. Finally, the Department of Defense added their voice to the chorus calling for a loosening of the embargo with their April 1995 release of a report entitled “The Military and Transition in Cuba.”<sup>70</sup> The report was conducted by the U.S. along with the Russian government and ultimately concluded that the economic sanctions against Cuba should be lifted in order to give the Castro government a chance to legitimize itself and rebuild the island. For the first time since the end of the Cold War, the executive began to feel sustained pressure a loosening of the embargo toward Cuba.

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<sup>68</sup> Haney and Vanderbush, 96.

<sup>69</sup> Marino, 57.

<sup>70</sup> U.S. Department of Defense, *The Military and the Transition in Cuba* (Washington, DC, 1995).

## **F. THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1996 (HELMS-BURTON)**

With the increasing pressure from domestic business groups and the focus now centering on economics as opposed to the former U.S. objectives of security and democracy, the Clinton administration began to entertain the idea of lifting the embargo by 1995. Clinton's policy intentions toward Cuba came under serious question after his lifting of the economic embargo on Vietnam and his reversal of U.S. policy granting asylum to Cuban refugees after 1994. Right in the middle of these two monumental events, there were also rumors going around that an internal report done by the National Security Council (NSC) suggested the embargo be lifted.<sup>71</sup> The administration's maneuvering over the course of 1994 and 1995 alarmed hard line supporters of the embargo, who responded by proposing the Cuban Liberty and Democratic Solidarity Act which would constrain the president's ability to act unilaterally on issues regarding Cuba and strip away the executive discretion that had steered policy for four decades.

The Act was initiated by frustrated members of Congress in early 1994 who were discouraged over the lack of attention they felt the Clinton administration had given Cuba since the CDA was signed and with Castro surviving the democratization of all of Latin America, they wanted action. The Act began gathering support once it was picked up by Senator Jesse Helms early in 1995 and he essentially compiled all the proposed legislation floating around Capital Hill, in order to propose what would become known as the Helms-Burton Act. The Act is composed of four primary Tracks or Titles. Track I is simple in that it outlines the economic pressure applied by the embargo that has existed since 1962. Track II falls in line with the ideas implemented under the CDA in that it focuses on the establishment of person to person contacts and the diffusion of democratic ideas within Cuba in order to strengthen civil society from within and eat away at the authoritarian state.<sup>72</sup> Tracks III and IV of the Act are undoubtedly the most controversial and the two that Clinton had to weigh and consider the most before signing the Act into law. Track III directly states that foreign companies that conduct business in Cuba or

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<sup>71</sup> Haney and Vanderbush, 102.

<sup>72</sup> LeoGrande, "Enemies Evermore: U.S. Policy Towards Cuba After Helms-Burton," 217.



with property confiscated by the Cuban government after 1959 are subject to legal adjudication.<sup>73</sup> Track IV would deny visas to executives of foreign companies that were doing business with Cuba.

The Act was passed by a count of 294 to 130 in the House in September 1995. The President never openly threatened vetoing the Act, but both he and his administration understood the headaches the level 1 negotiations with U.S. allies over the restrictions imposed on their businesses could present and highly discouraged the Senate from passing the Act.<sup>74</sup> The most disconcerting points of the Act for Clinton were the imposition of harsh third party sanctions for trade and investment with Cuba, which targeted Canada, Mexico, and the European states, and what seemed to be a severe restriction of executive discretion over policy by codifying the embargo into law. The Senate eventually removed the controversial Tracks III and IV in order to garner executive support for the Act early in 1996 and the bill was then sent to Conference Committee to resolve the difference between the Senate's softer version of the bill and the House's version. Even with faltering support from the Senate, Clinton still seemed "poised to win the showdown."<sup>75</sup>

On 24 February 1996, Cuban MiGs shot down two Cessnas flown by a U.S.-based group, Brothers to the Rescue, and created a crisis that would dispense any talks of lifting the embargo and would facilitate passage of the Helms-Burton Act.<sup>76</sup> The Brothers to the Rescue organization, formed in 1991 by Jose Basulto, had flown missions over Cuba to drop anti-Castro fliers to the people on the island. The Castro regime viewed these missions as a direct violation of their sovereignty and had filed thirteen protests of the flights to the U.S. from May 1995 through February 1996 with no response from U.S. authorities.

The initial question that comes to mind is that with international sympathy rising around Castro's Cuba and pressure mounting within the U.S. to liberalize its policies towards the Castro government, why would Castro order a hostile action against a U.S. civilian aircraft and knowingly incite an aggressive U.S. response? There are several

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<sup>73</sup> Haney and Vanderbush, 101.

<sup>74</sup> Ibid., 103.

<sup>75</sup> Ibid., 104.

<sup>76</sup> Robert M. Levine, *Secret Missions to Cuba* (New York: Palgrave MacMillan, 2001), 245.

theories ranging from, “the kremlinological (it was intended to fuse an hypothesized split in the armed forces), to the personal (Fidel was taunted beyond tolerance by the Brothers’ bragging about repeated incursions into Cuban airspace), to the bureaucratic (the air force was embarrassed by its failures to stop previous incursions).”<sup>77</sup> The most widely accepted is the idea that Castro used the opportunity to inspire a much needed surge of domestic support for his faltering regime.

In the early 1990’s, Castro decided to liberalize slightly the Cuban economy, at the risk of conceding that his revolution and economic strategy had failed, in order to rescue the Cuban economy and allow a small private sector to provide where the government no longer could. These reforms included allowing foreign investment and tourism, permitting self-employment, replacing state farms with cooperatives, reopening farmers markets, and dollarizing the economy.<sup>78</sup> The economy began to right itself and Castro’s greatest fear began to come to fruition. The political space that he had enjoyed under his totalitarian regime was beginning to fill with a growing number of reformist leaders and he pointed out in a December 1995 speech that, “recent economic reforms had spawned a ‘new class’ of Cubans hostile to the values and institutions of state socialism.”<sup>79</sup> With a growing discontent for their failed visionary, who mockingly became known as “el loco”, or the crazed leader, it is likely that provoking a confrontation with Washington was seen as a remedy for regaining the domestic support Castro desperately needed.

Within the United States, this incident raised the level of attention concerning Cuba to a new high during the post Cold War years and shifted what was increasingly an economic agenda back to the issue of security. Clinton reacted immediately and abrasively toward the Castro government demanding the victims’ families be compensated and simultaneously expanded Radio Marti while stopping all flights between the U.S. and Cuba. Clinton also decided to take the matter international and asked for a special session of the UN Security Council to be held immediately following the incident

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<sup>77</sup> LeoGrande, “Enemies Evermore: U.S. Policy Towards Cuba After Helms-Burton,” 211.

<sup>78</sup> Edward Gonzalez and Kevin F. McCarthy, *Cuba After Castro: Legacies, Challenges, and Impediments* (Santa Monica, CA: RAND Corporation, 2004), 10.

<sup>79</sup> LeoGrande, “Enemies Evermore: U.S. Policy Towards Cuba After Helms-Burton,” 212.

in order to condemn Cuba's actions. He even considered taking retaliatory actions against Cuba in the form of an air strike.<sup>80</sup> Although an air strike would have been extremely popular amongst the hard-line Cuban-American lobbies, the executive showed restraint in not pursuing this option, consistent with his earlier decision not to use military measures to oust the government.

The most noted result of the shoot down was the passage of the Helms-Burton Act that Clinton had long opposed. The shoot down took place just two weeks before the 1996 presidential primaries in Florida and gave Republicans the opportunity to attack Clinton's position on Cuba, much like the Democrats had in 1992 when they forced the CDA onto Bush. With the entire world watching how Clinton would react and the overwhelming domestic support from Congress, CANF, and the general public for increasing the pressure on Cuba, Clinton would sign the bill into law in March 1996.

Despite being pressured into signing a law he had opposed, Clinton was able to wrest key concessions from Congress that allowed the executive to maintain control over the two most controversial aspects of the Act, Tracks III and IV, by being able to suspend them regularly. In essence, the Helms-Burton Act was reduced to its first two tracks, which corresponded with Clinton's low-profile policy. The following section discusses how Clinton was able to resolve trade disputes with U.S. allies occasioned by the Act and, even more importantly, how he was still able to use carrots – the relaxation of travel restrictions and the sale of food and medicine – in the pursuit of liberalization in Cuba.

#### **G. HANDLING THE FALLOUT FROM HELMS-BURTON: EXECUTIVE DISCRETION UNHARMED**

After the passage of the Helms-Burton Act in March 1996, the U.S. received a great deal of resistance from several of its allies that came to a head in February of 1997.<sup>81</sup> The European Union (EU), along with Mexico and Canada, had decided to appeal the Act and filed a claim with the World Trade Organization (WTO) in order to pressure the U.S. into abandoning the Act altogether as it was seen as undermining free trade agreements. Although the attention from the EU created a certain degree of

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<sup>80</sup> Marino, 60.

<sup>81</sup> Ibid., 63.

pressure for the U.S., it was short lived because, much like in the U.S., Cuba was a low priority for the Europeans. In order to deter the EU from pursuing a legal battle against the U.S., the Clinton Administration made a series of verbal promises that they would amend the act which led to a year long suspension of the EU challenge in order for U.S.-EU negotiation to be conducted over the dispute.<sup>82</sup> The negotiations were intense and the goal was to reach a conclusion before the U.S.-EU summit was to be held in May of 1998; reaching a compromise on such an insignificant, aging communist regime such as Cuba was not as difficult as the summit drew near. Ultimately, the EU avoided major conflict with the U.S. by establishing what they called disciplines. Marino sums up the intention of the disciplines nicely:

The so-called disciplines were supposed to ensure an outright ban on future investment in expropriated property, the setting up of an international property claims registry, and special treatment of countries with a pattern or practice of expropriation. Moreover, the disciplines would be applied retroactively.<sup>83</sup>

Clinton had obtained the win-set that he needed to achieve in the two level negotiations by not only implementing the policy that his domestic constituency demanded of him, but by also appeasing one of the most important and certainly largest allied group in the international game. By 1998 the U.S. had seen many of its allies turn their backs on U.S. policy toward Cuba.

The executive was also concerned that the Helms-Burton Act, by not allowing the executive to loosen and tighten the embargo in accord with changing circumstances, would deny the executive the ability to negotiate agreements with the Castro regime to control immigration and the flow of drugs. This has been essentially disproven as the U.S. has been able to maintain or made greater strides in resolving these issues after the implementation of the Helms-Burton Act. In part because of these measures, illegal immigration from Cuba has remained low and only nine percent of drug traffic through the Bahamas-Cuba-Jamaica area comes through Cuba. This has been attributed to the U.S. and Cuban Coast Guards working together beginning in the mid-1990s in an effort

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<sup>82</sup> Marino, 63.

<sup>83</sup> Ibid.

to interdict immigrants and drug traffic through Cuban waters. A huge collaborative interdiction took place in October 1996, post Helm-Burton, of the *Limerick*, carrying approximately 1.7 tons of cocaine.<sup>84</sup> Despite the punitive effects of the Helms-Burton Act, there have been even greater advancements in establishing communications between the two coast guards by sharing technical measures such as phone and fax lines as well as coordinating radio frequency for interdictions.<sup>85</sup>

Not only was Clinton able to retain discretion that allowed him to repair U.S. relations with allies, but he also had the discretion to relax restrictions against Cuba. During a visit to Cuba in January of 1998, Pope John Paul II openly criticized the U.S. for their embargo of Cuba.<sup>86</sup> The Pope's criticism was so severe and made such an impact on the Catholic Church within the U.S. that cardinals, like Bernard Law in Boston, began to "call for a bipartisan presidential commission to recommend changes in U.S. policy and urged a rapid end to all restrictions on the sale of food and medicine to the island."<sup>87</sup> This was immediately followed by the U.S. Chamber of Commerce and USA Engage, an organization determined to eliminate economic sanctions around the world, along with some 700 private companies and other organizations leading an aggressive lobby against these policies. The Pope's visit in 1998 created a renewed interest in Cuba from domestic groups that U.S. officials had been completely unprepared for and further complicated the domestic politics of the Cuban issue. Adding fuel to the fire created by opponents of the embargo, many agencies within the executive branch of the government (including the Department of Defense, CIA, NSA, NSC, and State Department) released statements in 1998 concluding that Cuba was no longer a direct threat to U.S. national security.<sup>88</sup>

The Pope's visit created a spike in the level of attention and prompted both level 1 and 2 actors to react and call for action from the executive and Congress. Clinton unilaterally relaxed travel restrictions and initiated plans for the sale of food and

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<sup>84</sup> Dominguez, "Cuba and the Pax Americana: U.S.-Cuban Relations Post 1990," 207.

<sup>85</sup> Ibid.

<sup>86</sup> Wright, 193.

<sup>87</sup> Marino, 66.

<sup>88</sup> Ibid., 69.

medicine to Cuba. Although this seems like domestic pressure was the sole factor in Clinton's decision, it is often not pointed out that in the two months between the Pope's visit in January 1998 and Clinton's relaxation of policy that Castro allowed live TV broadcasts and opened Churches for the first time in decades and also freed scores of political prisoners who had been denied their human rights.<sup>89</sup> Without these advancements within Cuba of essentially adhering to some demands of U.S. policy objectives, Clinton would probably not have budged in the face of the demands. Each of these moves was certainly consistent with Clinton's low-profile policy of building human bridges and proved that Clinton not only maintained control of Tracks III and IV, but also still maintained complete control of Tracks I and II, even though they were clearly solidified under law. Despite the rhetoric of the Helms-Burton Act which clearly stated that sanctions against Cuba could only be lifted under the conditions of democracy, Clinton rewarded Castro for his positive steps which were consistent with his longstanding policy and also security assessments. The overall public sentiment generated by the Pope's visit allowed Clinton to implement these changes without much opposition from Helms-Burton supporters.

## **H. ELIAN GONZALEZ: THE NEW FACE OF CUBAN POLITICS**

One of the greatest debates, certainly the most publicized, in U.S.-Cuba relations in the post Cold War occurred at the turn of the twentieth century and involved, of all things, the fate of a five-year-old boy. In November of 1999, a fishing crew rescued a boy floating in an inner tube, surrounded by dolphins, and at the brink of death. This was the story of young Elian Gonzalez, a Cuban child who had fled the island with his mother, her boyfriend, and a dozen others in a rickety boat in hopes of reaching the coast of Florida to pursue a better life. Unfortunately for Elian and American policy makers, that boat capsized leaving Elian and two others as the only survivors. The Thanksgiving Day miracle child, as he was referred to by some Cuban Americans, set off a series of

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<sup>89</sup> Haney and Vanderbush, 116.

events that caused a significant increase in the level of attention paid to Cuba by the American public and set the tone for policy toward Cuba in the early parts of the twenty-first century.<sup>90</sup>

The rescue of Elian Gonzalez in 1999 was only the opening scene for the drama that would be played out in Florida over the course of the next seven months as an intense custody battle would take place between Cuban-Americans and the boy's father. Elian was delivered to relatives in Miami shortly after his rescue and was held up as a Moses type figure "that would lead his flock against the hated *El Comandante* and repatriate the exiles to their homeland."<sup>91</sup> Although Elian's story was heartwarming and did attract some initial national attention, it was the boy's father demanding his return to Cuba to live with him that set off the whirlwind of media coverage that saw the domestic interest in policy towards Cuba increase exponentially. Before leaving Cuba, Elian's mother had failed to tell his father and younger brother that they were leaving for the U.S. Unfortunately for the Cuban-American exiles, Elian's father demanded his return and had the political backing of Fidel Castro. Ultimately, U.S. Attorney General, Janet Reno, allowed the U.S. family court to make the decision that the boy would be returned to his father and set a deadline for his return of April of 2000.

The level 2 actors involved in this incident were numerous, but the most prominent were undoubtedly the Cuban-American community, the media, and the general public. Throughout the Elian Gonzalez case, the media readily covered every angle of the case and blew it into a national phenomenon. Televised town hall meetings were conducted and Elian's face covered newspapers and magazines for months. Although the number of Cuban-Americans that protested the U.S. decision to return the boy to Cuba was a very small number, the media was able to portray them in such a negative light that their credibility was severely damaged, thus strengthening the case of those who opposed the embargo on Cuba. The climax for both groups came in the weeks leading up to Elian's retrieval from his Miami relatives' home. The Cuban-American community was vehemently protesting outside the home Elian was staying in and blocking roads around

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<sup>90</sup> Levine, 249.

<sup>91</sup> Ibid., 254.

the house. Elian's family had also made comments to the media that they, as well as others in the community, were arming themselves in preparation to fight off any government attempt to retrieve the boy. Surprisingly, Raul Martinez and Alex Penelas, two local mayors at the time, supported the Cuban-American position and verbally attacked the federal government and vowed that county police would not assist in any federal efforts to seize the boy, ultimately inciting the protestors even more.<sup>92</sup> This led to the famous photo from the Elian Gonzalez case, taken when INS agents adorned in SWAT gear and carrying submachine guns stormed the home where Elian Gonzalez was staying in and retrieved the boy in the early morning hours of 22 April 2000. Although the federal government response has been often criticized as being too extreme, the openly aggressive comments by the Cuban-American protestors led to the precautionary measures by the INS.

The seizure of Elian was a tremendous blow to the Cuban-American community and was seen by them as a victory for Castro. The media coverage allowed Castro to play in this expanding political incident and he performed superbly by making the boy a hero in Cuba before his return. In fact, the greatest mistake that the White House made throughout the entire ordeal was releasing a photo of Elian, still in Washington, in a Young Pioneers outfit and a smile on his face.<sup>93</sup> This was a powerful statement in only a snapshot, but was truly representative of how the media affected what the fate of the Cuban-American hardliners would be in this new century by portraying a young Cuban as embracing his homeland and the culture created by Castro. Robert Levine characterizes the media's impact better than most in his book *Secret Missions to Cuba*:

When the Elian furor finally receded, many Americans outside Miami concluded that the right-wing voices in the Cuban American community, for years dwindling in number but still backed by a formidable political lobby, had lost prestige in the light of the national media coverage. But the reportage had been shallow and one sided.<sup>94</sup>

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<sup>92</sup> Levine, 251.

<sup>93</sup> Ibid., 261.

<sup>94</sup> Ibid., 260.



The media had discredited these Cuban-Americans by portraying them as a disorganized mob and failed to report on the four decades of politics involved in the case of this young boy. They failed to report on the ideological battle that was waged between the exiles and Castro that made this dispute relevant to politics and simply played up the raid and the flag burning protestors, completely isolating the exile community.<sup>95</sup>

The Elian Gonzalez case left the Cuban-American community bitter and irrelevant in politics and in 2000, more than ever, the CANF was a waning influence in policy making. Both the Clinton Administration and the legislature continued to advocate bills that liberalized trade and travel with Cuba. In October 2000 two bills were proposed and one passed. The successful bill allowed for the increased sale of food and medicine to the island, consistent with other measures implemented by the administration at the end of the 1990s, such as, an increased dialogue between agro-industries and Cuba and made sense in aiding the Cuban people which had always been part of the administration's plan. The second bill that was proposed, but eventually fell short of the votes needed for passage, would loosen travel restrictions in order to implement a student exchange program like the one Reagan initiated with Eastern European countries. The idea was that this would help Cuba in the same way it helped in toppling the Berlin Wall, but legislators felt the resilient Castro regime would not be susceptible to the same measures as the Eastern European regimes had been. Combine these policy proposals with the liberalizing policy decisions after the Pope's visit in 1998 and the disenchantment the Cuban exiles felt after the Elian Gonzalez case and it is quite clear why the Democrats lost favor amongst the Miami Cuban-Americans by the time of the 2000 presidential elections. Eighty-two percent of the 280,000 Miami Cubans voted Republican in November 2000 and Bush won the state by fewer than 300 votes.<sup>96</sup> In contrast, Clinton had garnered 20 percent of the Florida vote in 1992 and in the 1996 elections he even won Dade County by 117,000 votes and while Gore won Dade County in 2000, it was by only 39,000 votes.<sup>97</sup> Furthermore, Gore raised only about half as

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<sup>95</sup> Levine, 261.

<sup>96</sup> Ibid., 255.

<sup>97</sup> Haney and Vanderbush, 89, 132.

much money from Cuban-Americans as Clinton did in the 1996 election and proved that Cuban-Americans overall were ready for a change.

## **I. EVALUATING CLINTON**

The Clinton administration dealt with some of the most controversial policies regarding Cuba since the early twentieth century and was able to maintain both level 1 and 2 support through skilled negotiations and the pursuit of the most rational policies. His hand in the implementation of the CDA in 1992 and his adherence to that policy after his election to office through his low-profile policy showed his determination to follow a plan that never deviated from the objectives of his low-profile policy. The Migration Accords of 1995 were again a step in a positive direction and showed the rational decision making on behalf of his administration to, at times, bypass the usual domestic negotiations in order to pursue the most rational course of action by achieving a win-set not for a small group domestically, but for the country as a whole based on the available evidence of a potential crisis. Finally, the Helms-Burton Act could have proven to be the most devastating policy under Clinton, with its codification of the embargo into law and the seeming loss of executive discretion that this implied. Clinton was able to circumvent the most restrictive parts of the Act by negotiating a legislative compromise that allowed him to suspend Tracks III and IV, thus mitigating the impact on foreign businesses and preventing other U.S. foreign policy objectives from being jeopardized. In addition, he was able to loosen restrictions after the Act was passed as a means of encouraging reform by Castro. Most critics did not believe such executive discretion was likely.<sup>98</sup>

## **J. CONCLUSION**

With the fall of the Soviet Union and Cuba's continuing ability to survive the embargo, many have argued for a change in U.S. policy. The persistence of the embargo is seen by many as evidence of CANF's ability to influence the policy process and preserve an outdated and ineffective policy. While the influence of the Cuban-American community was undeniable in explaining President Bush's support for the Cuban

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<sup>98</sup> LeoGrande, "U.S. Policy Towards Cuba after Helms-Burton," 215.

Democracy Act in 1992, President Clinton was able to retain a great deal of control over policymaking toward Cuba during his eight years in office.

Without a doubt, level 2 politics became increasingly important during this time period. As the Cold War ended (and security issues faded in importance) economic objectives and the promotion of democracy came to the fore. This intermingling of policy objectives, along with a broader trend in foreign policy making dating back to the 1970s, made it much harder for the executive to maintain control of policy. Not only CANF, but also Congress, business groups, religious and human rights NGOs, the media, and the general public had a say in policy making. Clinton not only was able to withstand the barrage of these groups during intense periods but was able to take advantage of countervailing pressures from groups other than CANF to promote the policies he believed best and to circumvent any supposed CANF veto during non-crisis periods.

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## **IV. U.S. POLICY TOWARD CUBA FROM 2000-2008**

### **A. INTRODUCTION**

As the Clinton era drew to a close, the great *caudillo* had done what few in the international community had truly expected -- he had survived and even thrived through some of the most tumultuous years since the 1960s. Despite the end of Soviet subsidies and increasing domestic opposition, Castro had withstood U.S. pressure and Cuba had turned the corner economically, with the prospects of reaching 1985 living standards by 2009. Within the United States, the Pope's visit to Cuba in 1999 had sparked the proposal of bills that would increase the trade of food and medicine between the U.S. and Cuba; support for these measures and anti-embargo sentiment more generally increased in the aftermath of the Elian Gonzalez case, leaving Cuban-American lobbies reeling. With various food and medical acts on reappearing in Congress throughout 2000, it was clear that the agricultural and commercial groups organized under USA Engage were gaining ground in their effort to reshape the argument about Cuba policy around trade instead of democracy or security. After these formative years of post Cold War policy towards Cuba there was still not a true sense of which way policy would swing. The executive sought to maintain discretion over policy formation; Congress was split between those who favored normalization of relations and those that supported the embargo; and domestic interest groups weighed in on both sides of the issue.

This chapter will explore the factors that shaped U.S. policy towards Cuba in this mishmash of level 2 politics under the George W. Bush administration and what impact the two level game had upon policy in an era defined by conflict outside the region. This chapter will look at the progression of policy under the second Bush administration and his efforts to circumvent the influence of domestic politics in order to create policies that would help facilitate a peaceful transition for the Cuban people after the inevitable fall of the Castro regime. By applying Putnam's theory to the period under Bush, understanding the hardline president's position on policy can be more easily explained and understood in the context of how much domestic politics evolved even after Clinton left office. His

ability to avoid Cuban-American domestic politics and formulate his own thoughtful policies will be traced perhaps to the simple fact that he placed ideologues in key positions that helped him navigate around CANF more than formulate his policies. Finally, the chapter will address the controversial issue of Cuba's place in the War on Terror and how relevant their current position is based on recent assessments and will also conclude with the assessment of how well Bush has performed in reaching his policy goals.

## **B. MAINTENANCE OF THE STATUS QUO, 2001-2002**

When President Bush took office in 2001 he was content to keep the status quo in Cuban politics because it was, once again, not a topic of serious concern in Washington. Bush had undoubtedly been helped by the Cuban-American community in Florida during the controversial 2000 elections in which the Bush family had strong political ties and Gore had lost favor amongst Cuban Americans because of the Clinton handling of the Elian Gonzalez case. Several Cuban American leaders in Florida strongly believe that if not for Elian Gonzalez, Bush would have never won the election.<sup>99</sup> Naturally, after the elections it was believed that Bush would reward his supporters in Florida by allowing policy to be driven by their desires. However, much like his predecessors, Bush refused to make any hasty decision on policy towards Cuba and chose to maintain the status quo, instead rewarding his Cuban-American supporters with appointments in his cabinet.<sup>100</sup> As Patrick Haney and Walt Vanderbush note: "On the whole the change in presidents did not yield substantially different U.S. policy toward Cuba."<sup>101</sup>

Throughout his time in office, Bush faced cross pressures from his constituents both to tighten and to liberalize policy toward Cuba. On the one hand, Cuban-American supporters advocated a tightening of the embargo; an end to the waiver of Titles III and IV of the Helms-Burton Act; and an overturn of the "wet foot/dry foot" policy that resulted from the immigration crises of 1994-95 in favor of the policy of automatic asylum for all Cubans that had been in force since 1966. On the other hand, pressure was

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<sup>99</sup> Haney and Vanderbush, 132.

<sup>100</sup> Ibid., 136.

<sup>101</sup> Haney and Vanderbush, 135.

mounting in Congress for a more liberal trade policy towards Cuba, much of it coming from farmers and their representatives in the “red” states that voted Republican.

Several events shaped Bush’s stance on policy towards Cuba during 2001. The congressional elections of 2002 and his brother’s campaign to be re-elected governor of Florida provided incentives for Bush to maintain good relations with the Cuba hardliners in Florida. In May 2001, Bush held an extravagant ceremony in the White House to celebrate Cuban Independence Day, which had previously been a much more low key affair. During the ceremony, he attacked the Castro government, called the embargo a moral statement against that regime, and promised to fight any legislation that would weaken the sanctions.<sup>102</sup> In February 2002 president Bush also made one of the most controversial appointments by naming Otto Reich, a right wing Cuban American dedicated to ouster of Fidel Castro and with support base in Florida, as assistant secretary of state of state for Western Hemisphere affairs, but after opposition from Congress was ultimately given a “recess appointment” that would end after Jeb Bush’s reelection.<sup>103</sup> At the same time, he balanced this stand with a maintenance of the waivers on Titles III and IV of the Helms Burton Act, which showed that he would not let domestic interest groups create a strain between his administration and allies that would be affected by the two controversial titles.

In November of 2001, the U.S. reaction to the devastation of Hurricane Michelle in Cuba led to increased agricultural and medicinal trade between the two countries. Prior to this time, little trade had occurred because Castro did not want the U.S. to be looked upon favorably and, as importantly, because Castro resented the cash-only terms of the trade. After Hurricane Michelle, however, “Castro decided to take advantage of the opportunity to buy \$10 million in food and medical supplies from the United States.”<sup>104</sup> This led to the first ever U.S. Food and Agribusiness Exposition in Havana in September 2002 despite Cuba’s long-standing inclusion on the state sponsors of terrorism list. The event was attended by several American business leaders and Minnesota

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<sup>102</sup> “Remarks by the President in Recognition of Cuba Independence Day,” May 18, 2003, [www.whitehouse.gov/news/releases/](http://www.whitehouse.gov/news/releases/), accessed 29 January 2008.

<sup>103</sup> Haney and Vanderbush, 136.

<sup>104</sup> Haney and Vanderbush, 139.

Governor Jesse Ventura and there was some talk that this could be the first step in ending the embargo.<sup>105</sup> These suggestions were quickly tempered though when the executive denied travel licenses to agricultural representatives in January 2003.<sup>106</sup>

Trade with Cuba soon became one of the most pressing policy issues early in the Bush administration. Advances in trade had been made under Clinton in 1998 and 1999 and the struggling agricultural industry within the U.S. hoped to benefit from increased trade with Cuba: “economists [estimated] that U.S. trade with the island would jump to \$3 billion per year and then soar to \$7 billion within a few years if the ban were lifted.”<sup>107</sup> The interests of domestic agricultural and commercial trade groups, combined with Republican (and Democratic) politicians seeking to rally support from their constituents, clashed with the competing pressures from CANF, thus creating a difficult scenario for the executive on the domestic politics front.

### **C. POLICY INITIATIVES FROM 2003-PRESENT**

Throughout 2002 and 2003 the U.S. was actively engaged in conflict outside of the hemisphere and Cuba was certainly not a focal point since they were not an immediate and aggressive threat to the U.S. In May 2002 the president began a new initiative that would set the conditions for relations with Cuba throughout his tenure by proposing the Initiative for a New Cuba.<sup>108</sup> The initiative was not groundbreaking in its request from the Cuban government as it sought the resumption of basic freedoms on the island, such as free and fair elections, the release of political prisoners, and the allowance of human rights groups from outside the country to ensure rights and elections were adhered to. This was an important maneuver by the Bush administration because it was the first real sign of developing his own policy objectives towards Cuba and put the noose back around Castro’s neck since the threat for failed compliance was to cut

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<sup>105</sup> Haney and Vanderbush, 135.

<sup>106</sup> Ibid.

<sup>107</sup> Soraya M. Castro Marino. “Détente Before the Third Millennium?” *Revista*, Winter 2000, <http://www.drclas.harvard.edu/revista/articles/view/445>, accessed 31 January 2008.

<sup>108</sup> “President Bush Announces Initiative for a New Cuba,” Office of the Press Secretary, The White House, Washington, DC, May 19, 2002, <http://www.state.gov/p/wha/rls/fs/10323.htm>, accessed 12 March 2008.



agricultural trade with the island.<sup>109</sup> As a sign of his commitment to the initiative, Bush immediately implemented measures that would help support the dissident movement like, “facilitating meaningful humanitarian assistance to the Cuban people by American religious and other non-governmental groups; providing direct assistance to the Cuban people through non-governmental organizations; calling for the resumption of direct mail service to and from Cuba; and establishing scholarships in the United States for Cuban students and professionals trying to build independent civil institutions and for family members of political prisoners.”<sup>110</sup>

The real turning point in policy under the Bush administration, however, would come in 2003 when, President Bush was forced to react to Castro’s crackdown on U.S. sponsored dissidents within Cuba. In 2002, dissidents collected more than 11,000 signatures for the Varela Project, which sought a referendum under an article in the Cuban constitution that stated one could be permitted if at least ten thousand signatures were obtained and presented in the national assembly.<sup>111</sup> Despite the collection of signatures, the Cuban government refused to recognize the proposed referendum, which called for freedom of speech, the right to organize, and the holding of free and fair elections; instead, the government declared the socialist state irrevocable. More than 75 of the dissidents were rounded up by Castro’s government that claimed the dissidents were part of a counterrevolutionary effort supported by the United States and the head of the U.S. Interest Section in Havana, James Cason, who was organizing and providing dissident groups with money, office equipment, and meeting places. The dissidents were imprisoned in March 2003, essentially decimating this opposition force and emerging actors from civil society.<sup>112</sup> Several of the Cuban organizers received life sentences that would include stints in solitary confinement and torture.<sup>113</sup>

Both the Varela Project and Castro’s handling of the Cason case were significant in that they further delegitimized the Castro regime in terms of his reform efforts after

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<sup>109</sup> “President Bush Announces Initiative for a New Cuba.”

<sup>110</sup> Ibid.

<sup>111</sup> Haney and Vanderbush, 141.

<sup>112</sup> Ibid., 143.

<sup>113</sup> Ibid., 143-144.

1998 while also suggesting that the U.S. strategy in policy in the post Cold War period had been effective in establishing human bridges.<sup>114</sup> The crackdown in Cuba surprisingly incited some backlash from previously supportive groups and individuals associated with the left. Castro's longtime friend and supporter, Carlos Fuentes, a well respected intellectual in Latin America, publically broke ties with the dictator and even Cuba's, "largest foreign investor and trading partner, the European Union, decided to restrict diplomatic contacts and cultural exchanges with the island nation."<sup>115</sup> These swift reactions from those otherwise sympathetic to the Castro regime signaled that Cuba's government had begun a severe regression since their reforms at the end of the 1990's.

In response to Castro's actions, the Bush Administration increased travel restrictions severely and emphasized the enforcement of the long standing ban against recreational visits to Cuba. President Bush argued that foreign owned Cuban resorts were paying the wages of their workers, in either dollars or euros, to the government and then the Cuban government would pay their employees in worthless Cuban pesos. This funding from tourism was a major part of what was keeping the Cuban government afloat.

In contrast to Bush's initiatives, throughout 2003 there was an ongoing push in Congress to loosen travel restrictions and allow the free flow of U.S. citizens into Cuba. Those who supported the free travel insisted that bringing Americans to the island could help in hastening in a democratic transition; they even argued that participating in demonstrations and speaking out against Castro while they were actually in the country could expedite change faster than the embargo. Although this argument became less plausible when Castro conducted his crackdown against dissidents on the island, Congress repeatedly approved legislation to ease travel restrictions and trade with the island – in part because the policy negatively affected U.S. farmers. The more perplexing issue during this period was the shift in sentiment from the Senate from their 1999 vote in approving tougher travel restrictions to their consent to ease the travel restrictions just

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<sup>114</sup> Gonzalez and McCarthy, xiii.

<sup>115</sup> Haney and Vanderbush, 145.

two weeks after the president had them implemented.<sup>116</sup> The last time the Senate had voted on this issue in 1999 they opposed any loosening of travel restrictions. Based upon a close examination at who in the Senate changed their vote in 2003, two camps can be identified – senators from agricultural states and senators associated with national security (head of Armed Forces committee and head of Intelligence committee). One might speculate based on this that they saw spending money and resources on enforcing travel restrictions was a distraction from the war on terror, especially since the office charged with enforcing the restrictions – OFAC – is the one that is supposed to track terrorist financing. The Senate was ultimately not voting on legalizing travel, but on a \$90 billion spending bill for the treasury and transportation departments that would fund the enforcement of the restrictions. While some members of the Senate have claimed their reason for the shift in sentiment was that a travel restriction would result in the free flow of ideas, the Bush administration could easily counter with their expansion of Radio and TV Marti, the resumption of direct mail service, and student exchange programs to stimulate ideas.

In response to the Senate's challenge of the administration's policy on travel restrictions, President Bush established the Commission for the Assistance to a Free Cuba in late October of 2003. Headed by the Secretary of State, the Commission included experts from various sectors of the administration and was dedicated to issuing reports and recommendations on policy towards Cuba. In 2004, the commission called for increased pressure on the Cuban government through the tightening of economic sanctions, democracy building exercises, and the increased broadcasting of Radio and TV Marti. The President immediately endorsed these recommendations and provided up to \$59 million for the programs deemed necessary by the commission to liberate Cuba.<sup>117</sup> In June 2004, the U.S. Treasury Department's Office of Foreign Assets Control (OFAC) also issued new regulations regarding travel and trade in response to the Commission report. Among those that were of most importance were the regulations stating that

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<sup>116</sup> Christopher Marquis, "Senate Approves Easing of Curbs on Cuba Travel," *The New York Times*, October 24, 2003, <http://query.nytimes.com/gst/fullpage.html?res=9504E0DE1531F937A15753C1A9659C8B63>, accessed 12 March 2008.

<sup>117</sup> Sullivan, *Cuba: Issues for the 110<sup>th</sup> Congress*, 10.

remittances would be reduced from \$3000 to \$300 quarterly; family travel visits would be limited to once every three years (instead of one per year) and could only span 14 days; and educational visits would be reduced and more tightly monitored to avoid exploitation of the system.<sup>118</sup>

In 2005 the commission once again called for the tightening of sanctions, “by further restricting the process of how U.S. agricultural exporters may be paid for their sales.” In 2006 the commission called for an increase in funding, from \$59 million to \$80 million, to expand democracy building programs, including the bridge building of human relationships between the U.S. and Cuba with student exchanges and other efforts to overcome the information blockade.<sup>119</sup> These programs were received with mixed reviews in Cuban communities because even though the Cuban people require the funding assistance in order to achieve their democratic goals, some groups believe that Cubans cannot rely on the U.S. to fix their problems. Most noted in the opposition was former political prisoner and economist Oscar Espinosa Chepe, “stressed that Cubans have to fix their own problems,” and Miriam Leivia, a founding member of Ladies in White, claims it could provoke Castro to continue repressing dissidents.<sup>120</sup> Despite these mild whispers of protest, the Bush Administration has continued funding the programs introduced by the commission.

Even as he was proposing increased travel restrictions, Bush sought other ways to increase the flow of information and ideas to the Cuban people. Funding for Radio and TV Marti was increased to around the \$37 million mark in 2007, leading to the program’s third audit since 1999.<sup>121</sup> In the two previous audits conducted on the Office of Cuba Broadcasting (OCB), the federal group that runs Radio and TV Marti, the programs were found to have a history of cronyism and inadequate hiring practices along with what

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<sup>118</sup> Edward L. Rubinoff, “New OFAC Rules for Cuba Travel and Remittances,” prepared for the Fund for Reconciliation and Development at <http://www.ffrd.org/cuba/june04regs.htm>, accessed on 15 February 2008.

<sup>119</sup> Sullivan, *Cuba: Issues for the 110<sup>th</sup> Congress*, 10.

<sup>120</sup> Ibid, 11.

<sup>121</sup> Oscar Corral, “TV and Radio Marti Face another Audit,” *The Miami Herald*, 18 December 2006, 1-4.

auditors found to be ineffective broadcasting.<sup>122</sup> This combination of flaws in the program has led to increased pressure on the Bush Administration to cut funding for the programs or abandon them altogether.

The primary criticism of these broadcasting programs is the perceived corruption of the Office of Cuba Broadcasting and frivolous spending. The OCB has been marred by their excessive hiring with 149 employees with an average annual salary of \$79,795 and hiring an additional 200 contractors plus the numerous unpaid Cuban journalists that make up nearly half of the network's programming.<sup>123</sup> The programming has also been criticized on the grounds that Cuban jamming efforts have limited the numbers who hear the broadcasts so severely that the broadcasting efforts should not be continued. A June 2005 survey found that "TV broadcasts reached about 9,000 Cubans, just one-tenth of one percent of the island's adult population of 8.9 million on a weekly basis."<sup>124</sup> Although this seems like a bleak account the article acknowledged that there is no way to determine an accurate number of listeners as surveys are conducted by phone and most of those surveyed admitted to being too scared to admit whether they listened to broadcasts or not. In turn, the study acknowledges that of the ten dissidents that were contacted in Cuba, all of them listened to Radio Marti, but they did acknowledge that the TV programming could only be viewed over the internet because of intensified jamming by the Cuban government.<sup>125</sup> The dissidents spoke highly of the broadcasting efforts and the effectiveness of the programs. The Cuban government has put a stranglehold on the media and the Cuban people deserve an outlet that can keep them informed of what is going on outside the island. Although OCB has been an actor in this bridge building policy since 1985<sup>126</sup>, it is long overdue for the Bush administration to look outside the local Miami-Dade area to contract the necessary professional broadcasting company to take over this important and delicate part of policy.

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<sup>122</sup> Corral, 1.

<sup>123</sup> Ibid., 2.

<sup>124</sup> Ibid., 2.

<sup>125</sup> Ibid., 3.

<sup>126</sup> Sullivan, *Cuba: Issues for the 110<sup>th</sup> Congress*, 26.

The final prong of the Bush Administration's policy towards Cuba has sought to improve the planning for rescuing Cuban refugees and aiding Cuba in the event of political unrest. The Bush Administration has essentially been developing "elaborate plans for food deliveries to Cuba and other emergencies in the event of unrest. Plans also are in place to counter possible mass migration from Cuba. A full scale exercise, replete with role-playing by mock migrants landing on U.S. shores, is set for [March 2007]."<sup>127</sup> This type of proactive planning by the Bush Administration was developed over the course of three years in the anticipation that U.S. policy (or old age) will lead to the fall of Castro. The Bush Administration is also prepared to deal with any sustained conflict that may take place on the island but, as is clear in this training, the U.S. will not interfere militarily and is following the post Cold War line that the new Cuban leadership must come from within the island and not South Florida.<sup>128</sup>

#### **D. CUBA AND THE STATE SPONSORS OF TERRORISM LIST**

The Monroe Doctrine of 1823 succinctly stated U.S. policymakers' concern with the possible threat to the United States of extra-hemispheric actors operating within Latin America. As Lars Schoultz notes, "Because they lack physical power, Latin Americans have never threatened the United States; rather, the fear in Washington has always been that powerful non-hemispheric powers might use a base in nearby Latin America to attack the United States. Prudent people keep a potential enemy at arm's length."<sup>129</sup> This applies to Cuba more than any other country in Latin America. Cuba was essentially a Russian aircraft carrier positioned ninety miles off the coast of the U.S. mainland throughout the Cold War and Cuba itself was an exporter of revolutionary movement, not only within the hemisphere, but internationally.

While those threats helped justify the embargo during the Cold War, many analysts have argued that post Cold War Cuba poses little threat to the United States or democracy in the region. Cuba's military has been weakened considerably as a result of the economic straits the country finds itself in and the Castro regime long ago abandoned

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<sup>127</sup> George Gedda, "White House Hopes for Cuba Change," *Mobile Register*, 18 February 2007, A14.

<sup>128</sup> Ibid.

<sup>129</sup> Schoultz, 368.

its policy of exporting revolution. The 1998 DIA report claiming that Cuba was no longer a national security threat has been well circulated and widely cited by critics of U.S. policy towards Cuba. Given this and the current focus on the threat posed by al Qaeda and al-Qaeda inspired groups, does Cuba's inclusion on the state sponsors of terrorism make sense or is it indicative of a hardline policy designed to appease CANF hardliners? This section argues that the Cuban inclusion on the list is justified by the failure of the Castro regime to meet the clearly-specified criteria for removal.

Those that have argued against their inclusion claim that it is merely a holdover from the Cold War practices that landed them on the list in 1982 and that keeping them on the list interferes with the war on terror.<sup>130</sup> In 2004, the U.S. reevaluated the position of Cuba on the state sponsors of terror list and with Cuba's adversarial role with the U.S., the long history of espionage, and the geostrategic value of Cuba solidified Cuba on the list.

A state can be removed from the state sponsors of terror list in one of two ways:

The first option is for the President to submit a report to Congress certifying that 1) there has been a fundamental change in the leadership and policies of the government of the country concerned; 2) the government is not supporting acts of international terrorism; and 3) the government has provided assurances that it will not support acts of international terrorism in the future. The second option is for the President to submit a report to Congress, at least 45 days before the proposed rescission will take effect, justifying the rescission and certifying that 1) the government concerned has not provided any support for international terrorism during the preceding six-month period; and 2) the government has provided assurances that it will not support acts of international terrorism in the future.<sup>131</sup>

Based upon these conditions, there have only been three states that have ever been removed from the list: South Yemen, which was removed in 1990 because it ceased to exist, Iraq in 2004, and Libya in 2006 after the government pledged to renounce terrorism and abandoned its WMD programs in 2003. In 2005 the State Department justified Cuba's continued inclusion on the list by asserting that Cuba continued to use terrorism

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<sup>130</sup> Sullivan, *Cuba: Issues for the 110<sup>th</sup> Congress*, 23.

<sup>131</sup> Mark P. Sullivan, *Cuba and the State Sponsors of Terrorism List*. CRS Report for Congress, 12 May 2007, Order Code RL32251, 2.

as policy tool. Some of the more specific reasons they cited was that Cuba continues to publicly oppose the U.S. led coalition of the War on Terror, that Cuba provides safe haven and limited support for Foreign Terrorist Organizations, such as ETA, FARC, and ELN, and that they have provided refuge for more than 70 fugitives from the U.S. justice system, many of those accused of violent crimes in the United States.<sup>132</sup>

Certainly the most publicized period for Cuba's involvement in the realm of terrorism during the post Cold War came in 2002 when then Undersecretary of State for Arms Control, John Bolton, accused Cuba of producing germs for biological warfare.<sup>133</sup> This quickly caused alarm amongst the American public and helped boost the cause of the Cuban-American hardliners, but his claims were tempered by intelligence analysts and Secretary of State Colin Powell to say that Cuba had not produced the germs, but was capable of doing so. This capability was based upon the fact that Cuba's biotechnology industry was regarded as one of the best throughout the world by the mid-1990s based upon their training and investment in the programs.<sup>134</sup> Based upon previous research on the matter, there was very little question about the capabilities of the Cuban government and their potential to create weapons of mass destruction in biological warfare. The Cuban government has not only pursued biotechnology since the mid 1980s with training from the Russians, Chinese, Iraq, and Iran to name a few, but from 1991 through 1999 they continually increased spending on these to \$3.5 billion, which hardly seems to mesh with their modest outputs that resulted in vaccines for meningitis, hepatitis, and the development of interferon.<sup>135</sup> The profit from these programs in terms of exports, mostly to third world countries, brought in just over \$100 million annually for the period of 1991 to 1999.<sup>136</sup> The Cuban government has conducted studies through their Institute of Oceanography as to which areas along the Cuban coast would allow the flow of bottle

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<sup>132</sup> Sullivan, *Cuba and the State Sponsors of Terrorism List*, 6.

<sup>133</sup> Haney and Vanderbush, 137.

<sup>134</sup> Report on biological weapons in Cuba from Global Security website at, <http://www.globalsecurity.org/wmd/world/cuba/bw.htm>, accessed on 15 February 2008.

<sup>135</sup> Manuel Cereijo Guaracabuya III, "Castro: A Threat to the Security of the United States," 1999 from Global Security website at, <http://www.globalsecurity.org/wmd/world/cuba/bw.htm>, accessed on 15 February 2008.

<sup>136</sup> Report on biological weapons in Cuba from Global Security website.



and containers to flow the fastest to the coast of the United States, which has been considered as a way to deploy bacteriological containers.<sup>137</sup> Cuba has also used rhetoric to express their possible intent against the U.S. in terms of biological warfare as early as 1997 when Castro, “compared the United States to a dragon and Cuba to a lamb and warned that if the dragon tried to eat the lamb, it would find its meal ‘poisoned’,” raising the concerns of the U.S. about Cuban intent.<sup>138</sup>

Critics of keeping Cuba on the terrorism list most often argue that it is a holdover from the Cold War and diverts attention away from serious, contemporary terrorist threats, but Cuba’s long history of supporting terrorism and their continuing development of technology that could be used for biological weapons makes it hard to ignore their glaring shortcomings.<sup>139</sup> Without radical reform within Cuba to attempt to meet the criteria set forth for removal from the list, it seems clear that Cuba will remain a member.

#### **F. DECREASED TRAVEL AND INCREASED TRADE: ASSESSING BUSH’S POLICY**

Throughout his two terms, the Bush administration has made several proactive policy moves to improve the quality of life of the Cuban people while increasing pressure on the Castro regime, both fundamental principles of the CDA and the Helms-Burton Act. From 2001 through 2005, trade in food and medicine increased significantly, totaling \$1.26 billion over that period and making the U.S. the single largest supplier of these products to the island and Cuba the third largest U.S. food importer in Latin America.<sup>140</sup> With all the breakthroughs by domestic groups within the U.S. there have been attempts by the Cuban government to capitalize on the shift in trade policy. Cuba has often sought to achieve the upper hand by attempting to lobby or attach contracts to trade agreements that would be signed by U.S. corporations stating their explicit belief that the embargo is unlawful and should be ended. While some corporations may submit

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<sup>137</sup> Guaracabuya.

<sup>138</sup> Report on biological weapons in Cuba from Global Security website.

<sup>139</sup> Sullivan, *Cuba and the State Sponsors of Terrorism List*, 7.

<sup>140</sup> Carmelo Mesa-Lago, *The Cuban Economy Today: Damnation or Salvation?* (Miami, FL: Cuba Transition Report, Institute for Cuban and Cuban American Studies, University of Miami, 2005), 20.

to this, it has been widely rejected throughout the government and Congress even rejected recent proposals to “weaken the embargo” during the approval of two bills regarding trade and travel.<sup>141</sup>

Critics of Bush’s restrictive policies and supporters of free and unregulated trade with the island suggest that the best way to break through with democracy in Cuba is to sell goods to Cuba and use personal business contacts to help private businesses in Cuba pressure Castro out.<sup>142</sup> However, Castro saw the potential damage free trade could potentially cause his regime and by 2004-2005 he began to reverse the economic reforms he had implemented between 1993 and 1996 and began to recentralize the economic decision making and reduce the private sector again. Unless a Texas rice farmer thinks he can wheel and deal with a Cuban communist directly linked to and loyal to Fidel, it is unlikely that the business sector will be able to influence democratic change.<sup>143</sup>

Amidst all the tightening of remittances and travel while increasing trade with the island brings about the question of whether or not there are enough restrictions in place to keep the Castro regime from exploiting the U.S. effort to launch a humanitarian effort on the island. Critics have argued that the restrictions on remittances and travel have only hurt the people and not the dictator because Castro has been able to sustain his lifestyle while marking up prices in hard currency shops between 10 and 35 percent and that the people on the island are in danger of going hungry.<sup>144</sup> In fact, this has proven to be quite untrue. While lines at government subsidized peso stores may be long, the government is better able to provide food necessities on the island more effectively with the U.S. aid and the hard currency shop, or dollar stores, are utilized for the sale of material goods more than food necessities, thus Castro’s maneuvering to increase prices in these shops has only helped the U.S. Some would argue that Castro has been able to “revive

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<sup>141</sup> Mesa-Lago, 21.

<sup>142</sup> Haney and Vanderbush, 145.

<sup>143</sup> Mesa-Lago, 1.

<sup>144</sup> Mesa-Lago, 19.

resentment within the people toward the United States and Cuban exiles,” but it would probably be more appropriate to say that he has further created a divide between his regime and his own people.<sup>145</sup>

Hard currency shops are what keeps the Castro regime afloat and allows his government to control dollars entering the country and the inability of many Cubans to access them have created more tension and disaffection towards the government. For instance, you would be much more likely to see someone from the tourist industry shopping in these stores than say a doctor or other state employee. This segregation of those with dollars and those without has created a greater disaffection amongst the population and aided in the development of dissidents on the island. Castro was also initially praised for his work in promoting racial equality on the island throughout the Cold War, but during his economic reforms and legalization of the dollar during the 1990s the government punished blacks and mulattos to an extent that they have not been able to recover. Tourism has one of the most important sources of dollar acquisition for Cubans on the island and Castro has seen to keeping blacks and mulattos out and hence depriving them of valuable dollars. For example, a study in 2002 reported that whites accounted for 80 percent of personnel in the tourist industry, while blacks made up only five percent.<sup>146</sup>

## **G. CONCLUSION**

Entering his term in office it seemed that as a hardline president in regards to Cuba and the influence the Cuban-Americans had on his initial election to office that Bush would be hard pressed not to comply with all their demands, but he was certainly careful not to overstep his bounds in order to avoid a negative win-set at either the international or domestic levels. His ability to avoid Cuban-American domestic politics and formulate his own thoughtful policies can be traced perhaps to the simple fact that he placed ideologues in key positions that helped him navigate around CANF more than formulate his policies. People like Roger Noriega, his Assistant Secretary of State during

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<sup>145</sup> Mesa-Lago, 20.

<sup>146</sup> Gonzalez and McCarthy, 58.

his first term, was one of the original drafters of the Helms-Burton Act and Otto Reich, the U.S. special Envoy to the Western Hemisphere from 2002 through 2004, served under both Reagan and G.H.W. Bush and brought credibility to the current Bush administration in the eyes of Cuban-American hardliners and followed his pattern of appointing other right wing holdovers from the Cold War like John Negroponte and Elliot Abrams. Bush would often send Reich and Noriega out during what LeoGrande calls “crisis periods” to consult with exile leaders to get a feel for their demands. Bush would assess the demands and avoid the most costly, as he did during the 2004 elections, and concede only to those that would receive little attention from the general public, while conforming to his goals outlined under his three pronged approach. By avoiding the influence of the CANF in policy towards Cuba he was able to maintain a consistency and rationality in policy that could boast to have a positive effect on building a stronger dissident force on the island that had the financial backing of the U.S. and he was later able to expand his own policy to include detailed planning for dealing with the social unrest that could erupt in Cuba with the inevitable exit of Castro in the not to distant future.

This chapter has outlined the policies under the George W. Bush administration and how they were shaped by the continually shifting political landscape of growing Congressional support for lifting the embargo and expanding trade at the demand of commercial and agri-business groups and the persistence of a fading Cuban-American community to attempt to control the direction of policy. U.S. policy throughout the Bush administration has not only proven to be rational thus far, but it will prove that the subtle planning in the face of the collapse of the Castro regime will pay dividends in the future relations with the island.

## V. CONCLUSION

It is fruitless to debate whether domestic politics really determine international relations or the reverse. The answer to that question is clearly “Both, sometimes.” The more interesting questions are “When?” and “How?”

Robert D. Putnam<sup>147</sup>

The battle between the United States and Cuba over ideological, economic, and security concerns has been waged for more than forty-nine years. Castro’s Cuba has held its ground under the harshest conditions that any U.S. adversary could withstand in terms of proximity and policy throughout the entire time and has not wavered in its effort to survive. After the Cold War drew to a close the executive began to feel sustained pressure regarding policy decision towards Cuba as both the international community and domestic groups began to call the policies ineffective and outdated and blamed Cuban-American lobbies for dictating that policy. By applying theory to this broad generalization that a single domestic group has driven U.S. policy towards Cuba since the end of the Cold War, it allows a better understanding of the complexities involved in the two level negotiations that drive policy. Clearly, by examining the “When” and “How” of U.S. policy decisions in the case of Cuba it is much easier to determine the logic behind the decision making process. This chapter will briefly summarize the findings of this study and then provide some suggestions for the future of U.S. policies towards Cuba.

### A. SUMMARY

The first Bush administration undertook a daunting task of redefining the U.S. mission in Cuba from that of purely security to a shift in making democracy the priority. This shift certainly opened the door for focused domestic groups to become more involved and potentially dominate policymaking. Bush understood the domestic

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<sup>147</sup> Putnam, 427.

headaches that could potentially come with the mishandling of policy towards Cuba and with rising interest from Congress in the handling of that policy, he was content to maintain the status quo and keep the Cuban issue on the backburner as long as possible. During his time in office Bush faced two difficult policy decision regarding Cuba. The first was the proposal of the Mack amendment in 1989 which proposed to impose tighter sanction against Cuba that would prohibit foreign subsidiaries of U.S. firms from doing business with Cuba. Bush rejected this on the grounds that it would cause far too much friction with U.S. allies because it potentially violated international trade laws and he was not willing to risk the level 1 consequences, whatever they might have been. The second policy issue that Bush was faced with was the proposed CDA in 1992, which Bush opposed because it would jeopardize U.S. relations with its allies. Despite his adamant opposition to the Act, a strong endorsement for the CDA from Clinton compelled Bush to approve it weeks before the 1992 presidential election so as not to be upstaged by his democratic opponent and risk losing the electoral support of Cuban Americans in Florida. Though domestic politics was the sole influence over Bush, the CDA was consistent with policy preferences of incoming president Clinton as it established an extremely important aspect of policy, which was establishing human bridges in an effort to build up anti-Castro groups that have contributed to the erosion of the Revolution's social compact as well as the totalitarian state.

The Clinton era was one marked by a constant struggle between the executive and the growing domestic groups that sought to seize policy making after the Cold War and his administration oversaw the most controversial policy changes of the last twenty years. Initially, Clinton was content with implementing the CDA, a bill that he supported during his campaign, with the focus on instituting democratic change on the island while supporting the Cuban people through programs established in the CDA and his "low-profile policy." This carefully constructed "win-set" that both satisfied his policy preferences and prevented conflict with either level 1 or 2 constituents was disrupted by a wave of immigrants from Cuba in 1994 that caused a domestic crisis within the United States. Nonetheless, by negotiating secretly with the Cubans, Clinton was able to resolve the issue in a manner that served the national interest rather than the interests of a

small interest group. Although this secret negotiation resulted in conflict with the Cuban-American community over its modification of long standing immigration policy regarding Cuban refugees, it appeased the general public's concerns about mass immigration and created an effective solution to the migration problem that included increased cooperation between the U.S. and Cuban Coast Guards to prevent unsafe travel by Cubans.

Despite Clinton's focus throughout his tenure on the human element in battling for change in Cuba by supporting dissident groups, his administration will undoubtedly be most remembered for its role in the implementation of the Helms-Burton Act in 1996. The push for the implementation of the Act was the initiative of hawks in Congress teamed with a desperate attempt from a fearful Cuban-American lobby that saw the 1994-1995 Migration Accords and the increasingly important role of economic domestic groups pushing it to the wayside. Clinton initially opposed to the Act because it compromised his "win-set" both internationally, because of the punitive nature of certain Tracks on foreign companies, and domestically since it catered only to the interests of the CANF. As has so often been the case for Cuban policy, a crisis forced a change of heart. In the wake of the Cuban shootdown of two Brothers to the Rescue planes, the outrage of the general public and the administration's own concern with Cuban actions led the government to take a strong stand, Clinton sought to use policy, over military action, in order to make that statement, and the Helms-Burton Act was the only plausible option at the time and thus the embargo was codified into law.

The Helms-Burton Act certainly could have proven to be detrimental to the "win-set" that President Clinton had worked to maintain over the course of his tenure, but through shrewd negotiations he was able to maintain executive discretion and implement policies consistent with his view of the national interest. Clinton forced a compromise in Congress that led to the codification of only the two most basic portions of the Act, Tracks I and II, and left the executive the power to suspend Tracks III and IV indefinitely. As importantly, Clinton was able to unilaterally relax travel restrictions and initiated plans for the sale of food and medicine to Cuba after Castro allowed live TV

broadcasts and opened Churches for the first time in decades and also freed scores of political prisoners who had been denied their human rights.

The second Bush administration started much the same as his father's: an openly hardline president who expressed his discontent with Castro and resolved to put an end to the regime, but mostly used rhetoric rather than action to placate the CANF. The Bush family had long enjoyed strong support in Florida from Cuban-Americans and after the controversial elections of 2000 it appeared that the new president owed the Cuban-American community a great deal as they proved to be the difference in his victory. Despite pressure from Cuban-American lobbies to reverse immigration reforms forged under Clinton and to relinquish the president's ability to suspend Tracks III and IV of the Helms-Burton Act, the Bush administration refused. The Bush administration has been able to achieve a good deal of the objectives outlined in his "three pronged approach" to policy in that he has tightened the embargo in a manner that has focused on restricting dollar flow to the Castro regime, a major survival tool, while increasing agricultural and medicinal trade with the island to ease the suffering of the Cuban people. Bush has also dedicated resources to a specialized commission that focuses on policies and programs regarding Cuba and has also initiated an emergency response plan in the event of political unrest in Cuba in anticipation of the collapse of the regime.

President Bush, while ideologically inclined to pursue policy favored by CANF, found himself in a difficult position with respect to level 2 politics as he faced a tougher and well organized domestic constituency for liberalization centered in the agriculture and business communities that make up the core of his party's constituency. Contrary to what most critics have argued, that CANF has dictated policy, the second Bush administration was certainly proof that domestic groups outside of Florida certainly weighed heavy on the mind of the executive for the past eight years. In the case of the Clinton administration, the countervailing pressures provided by new interest groups enabled President Clinton to enact the measures he thought were best for U.S. policy toward Cuba rather than being beholden to CANF. In the case of President Bush, the rise of interest groups with interests opposed to CANF created



## **B. SUGGESTIONS FOR THE FUTURE OF U.S. POLICY**

Throughout the course of writing this paper much has happened in regards to the dynamics within Cuba, but the struggle between the two countries remains unresolved. Fidel Castro stepped down as head of the government and retired from an active role in politics due to health concerns in February of 2008 and was immediately replaced as president by his 77 year old brother Raul. Despite discussions that Raul has the potential to become much more progressive than Fidel, he has instituted few changes thus far. Fidel has retained his ability to speak out against the U.S. publicly, bashing U.S. presidential candidates for supporting democratic change in Cuba, just days after stepping down from his presidency, indicating he is probably not completely gone from politics.<sup>148</sup> Similarly, this monumental changing of the guard has not yet resulted in any change in U.S. policy. The Bush administration has maintained a hardline stance against the Castro government and has not looked to have the provisions outlined by the Helms-Burton Act removed.

The Castro government's failure to revive the economy has left the regime severely weakened and with many questions that need resolution under the new leadership. The Cuban government finds itself having to deal with a disenchanted youth without the ability to progress in society; an aging population which a decreasing labor force and inadequate social services will not be able to support; and an increasing racial divide.<sup>149</sup> These social strains combined with the continued freefall of the Cuban economy leaves Raul in a precarious situation. American policy has contributed to these social divides and political strain over the years and many think that they may also force Raul to become more pragmatic despite his initial maintenance of the Cuban government's status quo.<sup>150</sup> This potential pragmatism should be pursued by the U.S. in an effort to capitalize on the transition.

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<sup>148</sup> "Fidel Castro rebuts U.S. candidates," *Yahoo! 7 News*, February 23, 2008, <http://au.news.yahoo.com/071218/2/15a0x.html>, accessed 25 February 2008.

<sup>149</sup> Gonzalez and McCarthy, xv-xix.

<sup>150</sup> Emilio San Pedro, "Raul Castro set to steer pragmatic course," *BBC News*, February 25, 2008, <http://news.bbc.co.uk/2/hi/americas/7262336.stm>, accessed 19 March 2008.

The first and most important measure the U.S. should take is bringing in third party allies to help aid in the normalization of diplomatic relations with the island in order to influence democratic change. It is important the U.S. initiate this quickly in order to capitalize on the transition between Fidel and Raul and use a proactive approach to initiate democratic change on the island and avoid public postures that could incite Cuban nationalism in support of Raul. The resumption of diplomatic ties with the Cuban government would be a modest concession for the U.S. to make in an attempt to sway Raul to make more concessions on his end. In the past, Cuba has responded well to third party actors; for example, the Church in the late 1990's helped influence Castro to loosen cultural and social restrictions. If Raul can respond positively to the U.S. with the initial resumption of diplomatic relations, then the U.S. could potentially make more concessions in loosening travel restrictions, increasing remittances, or even allowing more liberal trade with the island. Although the Helms-Burton Act potentially guards against these types of concessions, it did not stop Clinton from making these concessions in the late 1990's as a response to Fidel's progressive reforms or George W. Bush from reversing the concessions after Fidel regressed. This transition period could prove to be more critical than the years immediately following the end of the Cold War and Raul Castro could show interest in making a major statement in order to prove his capabilities in dealing with the U.S. to escape his brother's shadow.

Additionally, both the United States and Cuba seem more than ready to implement economic change. As this thesis has outlined there has been an increasing push by both the Congress and commercial and agri-business to liberalize trade with the island. If CANF really exercised a veto over policy during non-crisis periods, the above policy recommendations would not be feasible. However, as the thesis has shown, the growing strength and diversity of interest groups with an interest in Cuba on both the left (human rights, democracy groups) and right (business, agriculture) provides the president leeway in making policy as he or she sees fit. On the Cuban side, a new deal was announced in November 2007 that a \$250 million renovation of the port of Mariel had been approved that would turn the decrepit port into a state-of-the-art container

facility.<sup>151</sup> The conversion of the port at Mariel is significant for two distinct reasons; first, it is one of the closest points to the United States, thus signifying an eagerness for tapping into the U.S. market.<sup>152</sup> Second, it shows the potential pragmatism that could take place under Raul Castro's rule.

U.S. policymakers should also sustain and further improve military to military relations between the two countries. This relationship has steadily grow throughout the post Cold War era as the highest ranking officers from both sides have established regular communication, both sides notify the other in advance of military movement and training exercises, and lines of communication have been established between lower-level technicians in order to conduct more frequent meetings.<sup>153</sup> All this was done to prevent military accidents and facilitate cooperation in the event of crises; this proved to be quite beneficial during the 1994 migration crisis when the U.S. held several tens of thousands of refugees at Guantanamo Naval Base.<sup>154</sup> The improvement in military to military relations has been both positive and impressive and should unquestionably continue in the future since the Cuban military is seen as one of the most respected and reliable institutions in the country and its cooperation and support will be needed for any governmental transition.

As Cuba approaches the fiftieth anniversary of its revolution, its future appears cloudier than ever. Fidel is gone, but Raul appears to be committed to communism for the present. Questions remain as to how he will remedy the social problems on the island created by the great *caudillo* during his survivalist years. Even though Cuba appears to be less vulnerable to U.S. pressure than during the early post Cold War period, they seem to be much more vulnerable to rising domestic discontent from an alienated and frustrated population. Ultimately, the success of U.S. policy could certainly be decided in the near future if the dissident groups supported by post Cold War policies can rise to the occasion when and if an opportunity presents itself.

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<sup>151</sup> "Bye Bye Embargo? Foreign Investment in Cuba," *The Economist*, November 29, 2007, <http://uscubanormalization.blogspot.com/2007/11/economist-bye-bye-embargo.html>, accessed 26 February 2008.

<sup>152</sup> "Bye Bye Embargo? Foreign Investment in Cuba."

<sup>153</sup> Dominguez, "Cuba and Pax Americana," 206.

<sup>154</sup> Ibid.

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